

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2004-DECEMBER-16<sup>TH</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

**STAFF:** Jason Carvalho  
David Stewart

**1. CALL TO ORDER:**

The meeting was called to order at 7:02 p.m.

**2. APPEAL: BOV00224**

**APPLICANT: Eli Kekich / Troy Heringa**

**LOCATION:                      Legal Description:    LOT 68, SECTION 15A,  
WELLINGTON DISTRICT, PLAN 33755  
Civic Address:                **570 Cumberland Place****

**PURPOSE:** The applicant is requesting that::

1.        The front yard setback requirement be reduced from 6 metres (19.69 feet) to 2.29 metres (7.52 feet); and
2.        The maximum height requirement be increased from 8.25 metres (27.06 feet) to 9.25 metres (30.34 feet);

in order to construct a single family dwelling. This represents a setback variance of 3.71 metres (12.17 feet) and a height of building 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 6.1.6.1 – Yard Requirements*

*A front yard of not less than 6 metres (19.69 feet) shall be provided”*

*“Section 6.1.7.1. – 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 sloped roof (&gt; than 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.”*

**DISCUSSION**

Mr. Troy Heringa (4927 Fillinger Cres.) and Ms. Kim Bruneau (4927 Fillinger Cres.) appeared in support of this appeal. Mr. Jim Tait (170 Canterbury Cres.), Mrs. Theresa Stangeland (580 Cumberland Pl.), Mrs. Judith Latham (551 Cumberland Pl.), Mr. Ronald Lawley (111 Locksley Pl.), Mr. David Kerr (560 Cumberland Pl.) and Mr. Roy Wagner (541 Cumberland Pl.) appeared in opposition to this appeal. Mr. Raoul Lussier and Mrs. Lois Lussier (550 Cumberland Pl.), Mr. Roy Wagner and Mrs. Judy Latham submitted letters in opposition to this appeal.

**DECISION**

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that this appeal be **denied**.

CARRIED.

**3. MINUTES**

MOVED by Patricia Portsmouth, SECONDED by Jerome Howell, that the minutes of the meeting held 2004-November-18<sup>th</sup> be adopted as circulated.

CARRIED

**4. ATTENDANCE**

It was determined that all members of the Board will be present for the next meeting to be held 2005-January-20<sup>th</sup>

**5. NEW BUSINESS**

Discussion regarding bylaw enforcement procedures.

MOVED by Joy Cameron, SECONDED by Jerome Howell, that City of Nanaimo Council review and amend its current policy regarding bylaw enforcement procedures to respond only to complaints from individuals residing within a 100 metre radius of a property to which a complaint has been lodged.

6. **ADJOURNMENT**

MOVED by Patricia Portsmouth, SECONDED by Jerome Howell, that the meeting be adjourned at 7:51 p.m.

CARRIED.

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Roger Richer  
Chairperson, Board of Variance

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Jason Carvalho  
Secretary, Board of Variance

ec Planning and Development Department  
Building Inspection Department  
Bylaw Services Department  
g/devplan/files/legis/3720/bovmDEC2004