

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, NOVEMBER-18TH, 2004 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2004-October 21st

2. **APPEAL:** **BOV00218**

APPLICANT: **Ronald and Janet Whitelaw**

LOCATION: **Legal Description:** LOT 31, DISTRICT LOT 14,
WELLINGTON DISTRICT, PLAN VIP56051
Civic Address: **5839 Ralston Drive**

PURPOSE: The applicant is requesting that the maximum height of a fence in the front yard be increased from 1.2 metres (3.94 feet) to 2.28 metres (7.48 feet), in order to permit a recently constructed fence. This represents a variance of 1.08 metres (3.54 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:** **BOV00219**

APPLICANT: **Blue-Chip Homes Ltd.**

LOCATION: **Legal Description:** LOT 3, DISTRICT LOT 53,
WELLINGTON DISTRICT, PLAN VIP76095
Civic Address: **6491 Ptarmigan Way**

PURPOSE: The applicant is requesting that the front yard setback requirement be reduced from 6 metres (19.69 feet) to 5.67 metres (18.60 feet), for a single family dwelling under construction. This represents a variance of .33 metres (1.08 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”

5. APPEAL: BOV00220

APPLICANT: William and Claudia Dean

LOCATION: Legal Description: LOT B, DISTRICT LOT 55,
WELLINGTON DISTRICT, PLAN 44343
Civic Address: 4684 Lost Lake Road

PURPOSE: The applicant is requesting that the front yard setback requirement be reduced from 7.5 metres (24.61 feet) to 6.0 metres (19.69 feet), in order to construct a covered porch addition to a single family dwelling that is non-conforming as to siting. This represents a variance of 1.5 metres (4.92 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 buildings or structures shall not be closer than 7.5 meters (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 dedication 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.”

6. APPEAL: BOV00221

APPLICANT: Babu and Lalita Lal

LOCATION: Legal Description: LOT 55, SECTION 1,
NANAIMO DISTRICT, PLAN 18900
Civic Address: 2406 Departure Bay Road

PURPOSE: The applicant is requesting that the the maximum height requirement be increased from 8.25 metres (27.06 feet) to 9.38 metres (30.77 feet), in order to construct a single family dwelling. This represents a height variance of 1.13 metres (3.71 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 6.1.7.1. – 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 (> 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."*

7. APPEAL: BOV00222

APPLICANT: Parmajit Dhut and Harjeet Parmar

LOCATION: Legal Description: LOT 49 SECTION 10
WELLINGTON DISTRICT PLAN VIP64046
Civic Address: 6623 Jenkins Road

PURPOSE: The applicant is requesting that:

1. The maximum projection of an open deck into the rear yard be increased from 2 metres (6.56 feet) to 2.09 metres (6.86 feet); and
2. The rear yard setback requirement be reduced from 7.5 metres (24.6 feet) to 7.49 metres (24.57 feet);

for a single family dwelling under construction. This represents a maximum projection variance of .09 metres (.30 feet) and a rear yard setback variance of .01 metres (.03 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 . . .”

“6.1.6.3. – Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building”

8. APPEAL: BOV00123

APPLICANT: Sheldon and Susan Saywell

**LOCATION: Legal Description: LOT 3, DISTRICT LOT 50,
WELLINGTON DISTRICT, PLAN VIP77213
Civic Address: 5507 Cliffside Road**

PURPOSE: The applicant is requesting that the front yard setback requirement be reduced from 6.0 metres (19.69 feet) to 4.05 metres (13.29 feet), in order to construct a single family dwelling. This represents a variance of 1.95 metres (6.40 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.”

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
g/devplan/files/legis/3720/bovaOctober2004