

**BOARD OF VARIANCE MEETING  
TO BE HELD IN THE BOARD ROOM OF CITY HALL,  
THURSDAY, AUGUST-19<sup>TH</sup>, 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-July-15<sup>th</sup>.

2. **APPEAL: BOV00203**

**APPLICANT: Wai and Lucy Wong**

**LOCATION: Legal Description:** LOT A, SECTION 18,  
RANGE 8, MOUNTAIN DISTRICT, PLAN 28031  
**Civic Address: 1602 Northfield Road**

**PURPOSE:** The applicant is requesting an enactment to permit a structural addition to a building which is non-conforming as to use, for the addition of exterior façade elements and a beam between the office and showroom.

**ZONING REGULATIONS:**

This property is included in the Transition Industrial Zone (I-1) and the appeal seeks to vary the following provisions of the Local Government Act:

*"Section 9.11.1 - Non-conforming Uses and Siting  
(5) A structural alteration or addition, except one that is required by an enactment of 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."*

3. **APPEAL: BOV00204**

**APPLICANT: Kulbern Singh Parhar**

**LOCATION:**                      **Legal Description:** LOT 4, BLOCK 87,  
NEWCASTLE TOWNSITE, SECTION 1, NANAIMO  
DISTRICT, PLAN 366  
**Civic Address:**            **333 St George Street**

**PURPOSE:** The applicant is requesting that the maximum height requirement be increased from 5 metres (16.40 feet) to 7.31 metres (23.98 feet), in order to construct a single family dwelling. This represents a height variance of 2.31 metres (7.58 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 "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.1.7.3. – Height of Buildings*

*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:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A sloped roof (&gt; than 4:12)*</i>	<i>5 metres (16.4 feet)</i>

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

**4.      APPEAL:**                      **BOV00205**

**APPLICANT:**                      **David John Leahy**

**LOCATION:**                      **Legal Description:** LOT 1, SECTION 1, NANAIMO  
DISTRICT, PLAN 2285  
**Civic Address:**            **10 Pine Street**

**PURPOSE:** The applicant is requesting that the rear yard setback requirement be reduced from 7.5 metres (24.60 feet) to 5.4 metres (17.71 feet), in order to permit a recently enclosed deck. This represents a variance of 2.1 metres (6.89 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 "City of Nanaimo Zoning Bylaw 4000":

*“Section 6.1.6.3. – Yard Requirements*

*A rear yard of not less than 7.5 metres (24.60 feet) shall be provided for a principal building.”*

**5. APPEAL: BOV00206**

**APPLICANT: Valerie Downing**

**LOCATION: Legal Description:** NORTHERLY 1/2 OF LOT A-13, BLOCK H, SECTION 1, NANAIMO DISTRICT, PLAN 584

**Civic Address: 481 Milton Street**

**PURPOSE:** The applicant is requesting that the side yard setback requirement be reduced from 1.5 metres (4.92 feet) to .12 metres (.39 feet), in order to permit a recently constructed carport and deck. This represents a variance of 1.38 metres (4.53 feet).

**ZONING REGULATIONS:**

This property is included in the Old City Low Density (Fourplex) Residential Zone (RM-9) and the appeal seeks to vary the following provisions of “City of Nanaimo Zoning Bylaw 4000”:

*“Section 7.9.6. – Yard Requirements*

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

**6. APPEAL: BOV00207**

**APPLICANT: James and Florence Mashford**

**LOCATION: Legal Description:** LOT 1, SECTION 12, RANGE 7, MOUNTAIN DISTRICT, PLAN 23137

**Civic Address: 2235 Jingle Pot Road**

**PURPOSE:** The applicant is requesting that the maximum height of a fence along the front property line for a through lot be increased from 1.2 metres (3.94 feet) to 2.52 metres (8.27 feet). This represents a variance of 1.32 metres (4.33 feet).

**ZONING REGULATIONS:**

This property is zoned Single Family Mobile Home Residential Zone (RS-3) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

*"Section 4.1. – Definitions*

*Lot, Through – means a lot abutting 2 parallel or approximately parallel highways;*

*Lot Line, Front – means the lot line abutting the highway, and  
(3) in the case of a through lot, the lines abutting the highway shall be considered front lot lines."*

*"Section 6.3.7.1. – Height of Fences*

*The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard."*

**7. APPEAL: BOV00208**

**APPLICANT: Nanaimo Lakeside Estates Inc.**

**LOCATION: Legal Description:** STRATA LOT 125 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: 6215 Garside Road**

**PURPOSE:** The applicant is requesting that the maximum height requirement 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 .07 metres (.23 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 "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.6.8.1. – 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."*

**8. APPEAL: BOV00209**

**APPLICANT: Nanaimo Lakeside Estates Inc.**

**LOCATION:** **Legal Description:** STRATA LOT 126 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: 6225 Garside Road**

**PURPOSE:** The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 8.52 metres (27.95 feet), for a single family dwelling under construction. This represents a height variance of .27 metres (.89 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 "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.6.8.1. – 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."*

9. **APPEAL:** **BOV00210**

**APPLICANT:** **Gary and Brenda Wall**

**LOCATION:** **Legal Description:** LOT 10 DISTRICT LOT 19  
WELLINGTON DISTRICT PLAN VIP65754  
**Civic Address:** **4843 Fairbrook Crescent**

**PURPOSE:** The applicant is requesting that the maximum height requirement be increased from 5 metres (16.40 feet) to 5.28 metres (17.32 feet), for a single family dwelling under construction. This represents a height variance of .28 metres (.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 "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.1.7.3. – Height of Buildings*

*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:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A sloped roof (&gt; than 4:12)*</i>	<i>5 metres (16.4 feet)</i>

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

10. **APPEAL:** **BOV00211**

**APPLICANT:** **John Farrell and Jacqueline Sumner**

**LOCATION:** **Legal Description:** LOT 1, SECTION 15,  
RANGE 7 OF SECTION 1, NANAIMO DISTRICT,  
PLAN 25728  
**Civic Address:** **824 Howard Avenue**

**PURPOSE:** The applicant is requesting that the maximum height requirement be increased from 5 metres (16.40 feet) to 7.07 metres (23.19 feet), in order to add a concrete perimeter foundation to an existing single family dwelling, which is non-conforming as to height. This represents a height variance of 2.07 metres (6.79 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 "City of Nanaimo Zoning Bylaw 4000":

### *"Section 6.2.7.3. – Height of Buildings*

*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:*

<i>Roof Pitch</i>	<i>Maximum Height</i>
<i>A sloped roof (&gt; than 4:12)*</i>	<i>5 metres (16.4 feet)</i>

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

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."***

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/bovaAugust2004