## **CITY OF NANAIMO**

#### **BOARD OF VARIANCE**

# MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD ON THURSDAY, 2004-APRIL-15<sup>th</sup>, IN THE BOARD ROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

**PRESENT:** Roger Richer, Chairperson

Joy Cameron Jerome Howell Dan Hooper

Patricia Portsmount

**STAFF:** Maureen Pilcher

# 1. <u>CALL TO ORDER:</u>

The meeting was called to order at 7:00 p.m.

2. APPEAL: BOV00176

APPLICANT: Jaspal Singh Saroya

**LOCATION:** Legal Description: PARCEL B (DD 2098N) OF

LOT 4, BLOCK 24, SECTION 1, NANAIMO

DISTRICT, PLAN 584

Civic Address: 690 Albert Street

**PURPOSE:** The applicant is requesting that the Board of Variance permit the completion of a structural addition to a building (J & J Market), which a portion of is non-conforming as to use.

# **ZONING REGULATIONS:**

This property is zoned Old City Low Density (Fourplex) Residential (RM-9) and the appeal seeks to vary the following provisions of the <u>Local</u> 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."

### DISCUSSION

Mr. Jaspal Saroya appeared in support of this appeal.

#### **DECISION**

MOVED by Jerome Howell, SECONDED by Patricia Portsmouth, that this appeal be **denied.** 

CARRIED.

3. APPEAL: BOV00177

APPLICANT: Wendy Tracy Leeson

**LOCATION:** Legal Description: LOT 1, DISTRICT LOT 23G,

WELLINGTON DISTRICT, PLAN 18903, EXCEPT

THAT PART IN PLANS 20327 AND 33807

Civic Address: 5931 Island Highway North

**PURPOSE:** The applicant is requesting that the major road setback requirement from the Island Highway (Highway 19A) be reduced from 7.5 metres (24.6 feet) to 5.3 metres (17.39 feet), in order to construct an addition (stairs and porch) to a proposed modular home. This represents a setback variance of 2.2 metres (7.21 feet).

### **ZONING REGULATIONS:**

This property is included in the Mobile Home Park Subdivision Zone (RM-8) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 5.2.1.1 – Location and Siting 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."

#### DISCUSSION

Mr. Fred Litke, representing the applicant, appeared in support of this appeal.

### **DECISION**

MOVED by Joy Cameron, SECONDED by Jerome Howell, that this appeal be **granted**,

CARRIED.

4. APPEAL: BOV00178

APPLICANT: Elizabeth Kim and Geoffrey George Letwin

**LOCATION:** Legal Description: LOT: 6 SECTION: 8 PLAN:

21559, WELLINGTON DISTRICT

Civic Address: 6696 Jenkins Road

**PURPOSE:** The applicant is requesting that the height requirement be increased from 8.25 metres (27.068 feet) to 8.71 metres (28.57 feet) in order to construct a single family dwelling. This represents a height variance of 0.46 metres (1.50 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 6.1.7.1. - Height of Buildings

The height of a principal building shall not exceed 8.25 metres (27.06 feet)."

Roof Pitch	Maximum Height
A sloped roof (> than 4:12)*	8.25 metres (27.06 feet)

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

# **DISCUSSION**

Mr. and Mrs. Letwin appeared in support of this appeal.

## **DECISION**

MOVED by Joy Cameron, SECONDED by Jerome Howell, that this appeal be **granted**,

CARRIED.

## 6. MINUTES

MOVED by Joy Cameron, SECONDED by Dan Hooper, that the minutes of the meeting held 2004-March-18<sup>th</sup> be adopted as circulated.

# 7. ATTENDANCE

It was determined that all Board of Variance members will be present for the next Board of Variance meeting to be held 2004-May-20<sup>th</sup>

# 8. ADJOURNMENT

MOVED by Dan Hooper, SECONDED by Jerome Howell, that the meeting be adjourned at 7:30 p.m.

CARRIED.

Roger Richer	Maureen Pilcher	
Chairperson, Board of Variance	Secretary, Board of Variance	

- 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

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