

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2004-APRIL-15th, 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. CALL TO ORDER:

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 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.”

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

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-18th be adopted as circulated.

CARRIED

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-20th

8. **ADJOURNMENT**

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

CARRIED.

Roger Richer
Chairperson, Board of Variance

Maureen Pilcher
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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