

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2004-FEBRUARY-19TH, IN THE BOARD ROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Joy Cameron, Acting Chairperson
Jerome Howell
Dan Hooper
Patricia Portsmouth

STAFF: Jason Carvalho
Maureen Pilcher

1. CALL TO ORDER:

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

2. APPEAL: BOV00168

APPLICANT: Brent and Martina Kardashinski

LOCATION: Legal Description: LOT 32, DISTRICT LOT 42,
WELLINGTON DISTRICT, PLAN VIP63949
Civic Address: 5378 Leslie Crescent

PURPOSE: The applicant is requesting that the side yard setback requirement be reduced from 1.5 meters (4.92 feet) to .13 meters (.43 feet) in order to construct an open deck and carport. This represents a variance of 1.37 metres (4.49 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.6 2 – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) shall be provided."

DISCUSSION

Mr. Brent Kardashinski and Mrs. Martina Kardashinski appeared in support of this appeal.

DECISION

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

CARRIED.

3. APPEAL: BOV00169

APPLICANT: Brooks and Barbara Allisen

LOCATION: Legal Description: LOT 7, DISTRICT LOT 55,
WELLINGTON DISTRICT, PLAN VIP69605
Civic Address: 4178 Gulfview Drive

PURPOSE: The applicant is requesting that:

1. the front yard setback requirement be reduced from 6 meters (19.69 feet) to 3.75 metres (12.31 feet);
 2. and that the height requirement for a single family dwelling be increased from 5 metres (16.4 feet) to 5.59 metres (18.34 feet);
- in order to construct a single family dwelling. This represents a front yard setback variance of 2.25 metres (7.38 feet) and a height requirement variance of .59 metres (1.94 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.6.1. – Yard Requirements

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

"Section 6.1.7.3. – Height of Buildings

Notwithstanding Subsection 6.1.7.1. and 6.1.7.2., 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 (> 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."*

DISCUSSION

Mr. Brooks Allisen and Mrs. Barbara Allisen appeared in support of this appeal. Mr. George James submitted a letter in opposition to this appeal, however, after speaking with the applicant Mr. James chose to withdraw his opposition and support this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2004-May-19th).

CARRIED.

4. APPEAL: BOV00170

APPLICANT: Dixie and Dietmar Reinkober

LOCATION: Legal Description: AMENDED LOT 1 (DD 72596-N), BLOCK 17, DISTRICT LOT 96-G, NANAIMO DISTRICT, PLAN 2039
Civic Address: 691 Begbie Street

PURPOSE: The applicant is requesting that the the flanking side yard setback requirement be reduced from 4 meters (13.12 feet) to 2.13 metres (6.99 feet), in order to construct an accessory building. This represents a variance of 1.87 metres (6.13 feet).

ZONING REGULATIONS:

This property is zoned Single Family Residential Zone (RS-1A) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.6.2. – Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided. In the case of a corner lot, the side yard adjoining the flanking street shall not be less than 4 metres (13.12 feet)."

DISCUSSION

Mr. Dietmar Reinkober appeared in support of this appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2004-May-19th).

CARRIED.

5. **APPEAL:** **BOV00171**
- APPLICANT:** **Shawn Hoitsma and Calvin Paley**
- LOCATION:** **Legal Description:** LOT 2, BLOCK 1, SECTION 1
5, WELLINGTON DISTRICT, PLAN 419
Civic Address: **2910 Robson Road**

PURPOSE: The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 8.73 metres (28.64 feet), for a single family dwelling under construction. This represents a height variance of .48 metres (1.58 feet).

ZONING REGULATIONS:

This property is zoned 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 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."*

DISCUSSION

Mr. Calvin Paley and Mr. Shawn Hoitsma appeared in support of this appeal. Ms. Joyce Hardcastle and Ms. Linda Harold appeared in opposition to this appeal. Mr. Clinton L'heureux submitted a letter in opposition to this appeal.

DECISION

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

This motion FAILED.

MOVED by Dan Hooper, SECONDED by Jerome Howell, that this appeal be **granted**, a recorded vote was requested:

Dan Hooper	In Favour
Jerome Howell	In Favour
Patricia Portsmouth	Opposed
Joy Cameron	Abstained from voting

CARRIED.

6. **MINUTES**

Mr. Hooper requested that the minutes be amended to reflect a change in the motion which denied Appeal BOV00167 (2342 Pheasant Terrace). MOVED by Patricia Portsmouth, SECONDED by Dan Hooper, that the minutes of the meeting held 2004-January-15th be adopted as be adopted as amended.

CARRIED.

7. **ATTENDANCE**

Patricia Portsmouth will not be present for the next Board of Variance meeting to be held 2004-March-18th. It was determined that all remaining members of the Board will be present for the next meeting.

8. **ADJOURNMENT**

MOVED by Jerome Howell, SECONDED by Patricia Portsmouth, that the meeting be adjourned at 8:02 p.m.

CARRIED.

Joy Cameron
Acting Chairperson, Board of Variance

Jason Carvalho
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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