

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2003-OCTOBER-16TH, IN THE BOARD ROOM, CITY
HALL, 455 WALLACE STREET, NANAIMO, BC**

PRESENT: Roger Richer, Chairperson
Joy Cameron
Dan Hooper

STAFF: Maureen Pilcher

1. CALL TO ORDER:

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

2. APPEAL: BOV00160

APPLICANT: Jacobus De Jong

LOCATION: Legal Description: SECTION A, LOT 12, BLOCK
F, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 621 Milton Street

PURPOSE: The applicant is requesting that:

1. The required front yard setback requirement be reduced from 7.5 metres (24.6 feet) to 2.6 metres (8.53 feet);
 2. And that the required side yard setback requirement be reduced from 1.5 metres (4.92 feet) to 1 metre (3.28 feet),
- in order to accommodate an addition to a single family dwelling, which is non-conforming as to siting. This represents a front yard variance of 4.9 metres (16.07 feet) and a side yard variance of .5 metres (1.64 feet).

ZONING REGULATIONS:

This property is zoned 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 5.2.1.2 – 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.”

“Section 7.9.6.- Yard Requirements

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

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.”

DISCUSSION

Mr. DeJong appeared in support of this appeal.

DECISION

MOVED by Joy Cameron, SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2004-January-16th).

CARRIED.

- 3. APPEAL: BOV00161**
- APPLICANT: Kenneth Scoretz and Ann Marie Scoretz**
- LOCATION: Legal Description: LOT 1 SECTION 1 RANGE 9
NANAIMO DISTRICT PLAN VIP75622
Civic Address: 946 Bruce Avenue**

PURPOSE: The applicant is requesting that the maximum height requirement for an accessory building be increased from 4.5 metres (14.76 feet) to 5.64 metres (18.50 feet). This represents a variance of 1.14 metres (3.74 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 6.1.7.3 –Height of Buildings
The height of an accessory building shall not exceed 4.5 metres (14.76 feet)."*

DISCUSSION

Mr. Kenneth Scoretz appeared in support of this appeal.

DECISION

MOVED by Joy Cameron, SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2004-January-16th).

CARRIED.

4. MINUTES

MOVED by Dan Hooper, SECONDED by Joy Cameron, that the minutes of the meeting held 2003-September-18th be adopted as circulated.

CARRIED.

5. ADJOURNMENT

MOVED by Joy Cameron, SECONDED by Roger Richer, that the meeting be adjourned at 7:20 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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