

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2003-SEPTEMBER-18TH, IN THE BOARD ROOM, CITY
HALL, 455 WALLACE STREET, NANAIMO, BC**

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

STAFF: Jason Carvalho

1. CALL TO ORDER:

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

2. APPEAL: BOV00149

APPLICANT: Dan Juss

LOCATION: Legal Description: LOT 1 DISTRICT LOT 25G
WELLINGTON DISTRICT PLAN VIP67766
EXCEPT THAT PART IN PLAN VIP73757
Civic Address: 6151 Carmanah Way

PURPOSE: The applicant is requesting that the maximum height requirement be increased from 8.25 metres (27.06 feet) to 8.34 metres (27.35 feet), for a single family dwelling under construction. This represents a height variance of .09 metres (.29 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. Dan Juss 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 (2003-December-18th).

CARRIED.

3. APPEAL: BOV00157

APPLICANT: Bill Bell and Karin Parakin

LOCATION: Legal Description: LOT A (DD EC23129),
BLOCK 1, SECTION 5, WELLINGTON DISTRICT,
PLAN 318
Civic Address: 4200 Victoria Road

PURPOSE: The applicant is requesting that:

1. The required front yard setback be reduced from 6.0 metres (19.69 feet) to 3.5 metres (11.48 feet);
2. and that the maximum projection of an open deck into the front yard be increased from 2 metres (6.56 feet) to 4 metres (13.12 feet),

in order to construct a duplex. This represents a front yard setback variance of 2.5 metres (8.21 feet), and a maximum projection variance of 2 metres (6.56 feet).

ZONING REGULATIONS:

This property is zoned Residential Duplex Zone (RM-1) and the appeal seeks to vary the following provisions of “City of Nanaimo Zoning Bylaw 4000”

“Section 7.1.6.1. – Yard Requirements

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

“Section 5.4.2. – Projections into Yards

The maximum projection into the required front and rear yard shall be 2 metres (6.56 feet) or half the distance of the required yard whichever is less,...”

DISCUSSION

Mr. Bill Bell and Mrs. Karin Parakin appeared in support of this appeal. Mr. John Horn (450 Vancouver Avenue) and Mr. Trevor Fryer (4246 Victoria Avenue) appeared for information purposes.

DECISION

MOVED by Dan Hooper, SECONDED by Joy Cameron, that an appeal be **granted** to reduce the front yard setback requirement from 6.0 metres (19.69 feet) to 3.5 metres (11.48 feet); subject to a building permit being issued within three months (2003-December-18th).

CARRIED.

MOVED by Dan Hooper, SECONDED by Joy Cameron, that an appeal be **granted** to increase the maximum projection of an open deck into the front yard from 2 metres (6.56 feet) to 4 metres (13.12 feet); subject to a building permit being issued within three months (2003-December-18th).

CARRIED.

- 4. APPEAL: BOV00158**
- APPLICANT: Ronald Northey**
- LOCATION: Legal Description: LOT 6 DISTRICT LOT 55
WELLINGTON DISTRICT PLAN VIP69605
Civic Address: 4172 Gulfview Drive**
- PURPOSE:** The applicant is requesting that the side yard setback requirement be reduced from 1.5 metres (4.92 feet) to 1.42 metres (4.66 feet), for a single family dwelling under construction. This represents a setback variance of .08 metres (.26 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) for each side yard shall be provided."

DISCUSSION

Mr. Ronald Northey and Mrs. Debra Northey appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Jerome Howell, that this appeal be **granted**, subject to a building permit being issued within three months (2003-December-18th).

CARRIED.

5. APPEAL: BOV00159

APPLICANT: Rega Properties Ltd.

**LOCATION: Legal Description: LOT 8 SECTION 20
RANGE 4 MOUNTAIN DISTRICT PLAN
VIP74760**

Civic Address: 3568 Windy Poplars Place

PURPOSE: The applicant is requesting that:

1. The required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.02 metres (3.35 feet);
2. and that the maximum projection of a gutter into the side yard be increased from .75 metres (2.46 feet) to 1.49 metres (4.89 feet), for a single family dwelling under construction. This represents a setback variance of .48 metres (1.57 feet), and a maximum projection variance of .74 metres (2.43 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 for each side yard shall be provided."

"Section 5.4.3. – Projections into Yards

The maximum projection into a side yard shall be .75 metres (2.46 feet) or half the distance of the required yard (whichever is lesser)..."

DISCUSSION

Mr. Guy Wonnacott (Rega Properties Ltd.) appeared in support of this appeal.

DECISION

MOVED by Joy Cameron, SECONDED by Jerome Howell, that an appeal be **granted** to reduce the side yard setback requirement from 1.5 metres (4.92 feet) to 1.02 metres (3.35 feet); subject to a building permit being issued within three months (2003-December-18th).

CARRIED.

MOVED by Joy Cameron, SECONDED by Jerome Howell, that an appeal be **granted** to increase the maximum projection of a gutter into the side yard from .75 metres (2.46 feet) to 1.49 metres (4.89 feet); subject to a building permit being issued within three months (2003-December-18th).

CARRIED.

6. MINUTES

MOVED by Joy Cameron, SECONDED by Patricia Portsmouth, that the minutes of the meeting held 2003-August-21st be adopted as circulated.

CARRIED.

7. **NEW BUSINESS**

Request received from Mr. R. McGlenen (Sovereign Wood Products Corp.), BOV Appeal 00142, requesting that the time limit imposed by the Board of Variance for obtaining a building permit be increased to 2003-December-18th.

MOVED by Joy Cameron, SECONDED by Patricia Portsmouth, that the three month time limit attached to the decision for BOV00142, be increased to 2003-December-18th.

CARRIED

8. **ADJOURNMENT**

MOVED by Joy Cameron, SECONDED by Jerome Howell, that the meeting be adjourned at 7:09 p.m.

CARRIED.

Roger Richer,
Chairperson, Board of Variance

Jason Carvalho
Secretary, Board of Variance

pc B.N. Mehaffey, General Manager, Development Services Department
D. Lindsay, Manager, Planning Division, Development Services Department
C. Sholberg, Land Use Regulations Planner, Development Services Department
T. Seward, Manager, Building Inspection Division,
R. Topliffe, Building Inspection Division
T. Neil, Engineering Division, Development Services Department.

g/devplan/files/legis/3720/bovmSeptember2003