

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON THURSDAY, 2003-AUGUST-21ST IN THE COUNCIL CHAMBERS,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

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

STAFF: Jason Carvalho

1. CALL TO ORDER:

The meeting was called to order at 7:01 p.m.

2. APPEAL: BOV00151

APPLICANT: Todd & Kim Ross

LOCATION: Legal Description: LOT 96 DISTRICT LOT 20,
WELLINGTON DISTRICT, PLAN VIP53631
Civic Address: 5917 Monashee Way

PURPOSE: The applicant is requesting that the maximum projection of an open deck into the rear yard be increased from 2 metres (6.56 feet) to 2.47 metres (8.10 feet), in order to construct an open deck addition to a single family dwelling. This represents a variance of .47 metres (1.54 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 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. Todd Ross and Mrs. Kim Ross appeared in support of this appeal.

DECISION

MOVED by Patricia Portsmouth, SECONDED by Joy Cameron, that this appeal be **granted**, subject to a building permit being issued within three months (2003-November-21st).

CARRIED.

3. APPEAL: BOV00152

APPLICANT: Glendon Young

LOCATION: Legal Description: LOT 1, SECTION 1,
NANAIMO DISTRICT, PLAN 10145
Civic Address: 1881 Estevan Road

PURPOSE: The applicant is requesting that the rear yard setback requirement be reduced from 7.5 metres (24.6 feet) to 3.7 metres (12.14 feet), in order to reconstruct an open deck and carport on a foundation which is non-conforming as to siting. This represents a variance of 3.8 metres (12.46 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 6.1.6.3. – Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building."

DISCUSSION

Mr. Glendon Young appeared in support of this appeal.

DECISION

MOVED by Jerome Howell, SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2003-November-21st).

CARRIED.

4. **APPEAL:** **BOV00153**

APPLICANT: **Heather Lane**

LOCATION: **Legal Description:** LOT 12, BLOCK 2,
DISTRICT LOT 96-G, NANAIMO DISTRICT, PLAN
2039
Civic Address: **926 St Andrews Street**

PURPOSE: The applicant is requesting that the front yard setback requirement be reduced from 6.0 meters (19.69 feet) to 3.75 metres (12.30 feet), in order to reconstruct and extend an addition to a single family dwelling, which is non conforming as to siting. This represents a variance of 2.25 metres (7.39 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 6.1.6.1. – Yard Requirements

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

DISCUSSION

Mr. Steve Gray and Ms. Heather Lane 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-November-21st).

CARRIED.

5. **APPEAL:** **BOV00154**

APPLICANT: **Simone Meredith**

LOCATION: **Legal Description:** LOT 7, DISTRICT LOT 96G,
 NANAIMO DISTRICT, PLAN 4878, EXCEPT THE
 SOUTHERLY 68 FEET THEREOF
 Civic Address: **520 Aldorann Avenue**

PURPOSE: The applicant is requesting that the maximum height of a fence along the front property line for a through lot be increased from 1.2 metres (3.94 feet) to 2.4 metres (7.87 feet). This represents a variance of 1.2 metres (3.94 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 4.1. – Definitions

Lot, Through – means a lot abutting 2 parallel or approximately parallel highways.

*Lot Line, Front – means the lot line abutting the highway, and
(3) in the case of a through lot, the lines abutting the highway shall be considered front lot lines."*

"Section 6.1.9.1 – Height of Fences

The height of a fence shall not exceed 1.2 metres (3.94 feet) in a front yard."

DISCUSSION

Mr. John Fisler, agent representing Simone Meredith, appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Joy Cameron, that an appeal be **granted** to increase the maximum height of a fence along the front property line for a through lot from 1.2 metres (3.94 feet) to 1.83 metres (6.0 feet). This represents a variance of .63 metres (2.06 feet).

CARRIED.

9. **MINUTES**

MOVED by Joy Cameron, SECONDED by Jerome Howell, that the minutes of the meeting held 2003-July-17th be adopted as circulated.
CARRIED.

10. **ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Patricia Portsmouth, that the meeting be adjourned at 7:31p.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/bovmAugust2003>