

**CITY OF NANAIMO**

**BOARD OF VARIANCE**

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2003-JUNE-19TH, IN THE BOARD ROOM, CITY  
HALL, 455 WALLACE STREET, NANAIMO, BC**

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

**STAFF:** Maureen Pilcher  
Jason Carvalho

**1. CALL TO ORDER:**

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

**2. APPEAL: BOV00137**

**APPLICANT: Roger Gordon Hewitt**

**LOCATION: Legal Description: LOT A, SECTION 17, RANGE  
7, MOUNTAIN DISTRICT, PLAN 47227  
Civic Address: 2201 Fern Road**

**PURPOSE:** The applicant is requesting that:

1. The maximum height of a fence along the side yard adjoining the flanking street, for a distance of 7 metres from the point of intersection, be increased from 1.2 metres (3.94 feet) to 1.83 metres (6.0) feet. This represents a variance of .63 metres (2.06 feet);
2. and that the maximum height of a fence in a front yard is increased from 1.2 metres (3.94 feet) to 1.52 metres (5.0 feet). This represents a variance of .32 metres (1.06 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 5.8.1 – Visibility at Intersections*

*Where two highways intersect, there shall be no obstruction to the line of vision between 1.2 meters (3.94 feet) and 3 meters (9.84 feet) within an area bounded by the center line of intersecting lot lines, and a line joining each of the lot lines 7 meters from the point of intersection.*

#### *Section 6.1.9 – Height of Fences*

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

### **DISCUSSION**

Mr. Rick Hewitt appeared in support of this appeal.

### **DECISION**

MOVED by Dan Hooper, SECONDED by Joy Cameron, that an appeal be **granted** to:

1. Increase the maximum height of fence along the side yard adjoining the flanking street, for a distance of 7 metres from the point of intersection, from 1.2 metres (3.94 feet) to 1.52 metres (5.0 feet); and
2. Increase the maximum height of a fence in a front yard from 1.2 metres (3.94 feet) to 1.52 metres (5.0 feet).

CARRIED.

- 3. APPEAL: BOV00138**
- APPLICANT: Calla Lee-Maher**
- LOCATION: Legal Description: STRATA LOT 163,  
SECTION 5, DISTRICT LOT 17, WELLINGTON  
DISTRICT, STRATA PLAN 830.  
Civic Address: 371 Woodhaven Drive**

**PURPOSE:** The applicant is requesting that the front yard setback requirement be reduced from 3 meters (9.84 feet) to 2.39 meters (7.84 feet), in order to construct a single family dwelling. This represents a variance of .61 metres (2.0 feet).

**ZONING REGULATIONS:**

This property is zoned Single Family Bare Land Strata Zone (RS-5) and the appeal seeks to vary the following provisions of “City of Nanaimo Zoning Bylaw 4000”

*“Section 6.5.7.1. – Yard Requirements  
A front yard shall be provided of not less than 3 metres.”*

**DISCUSSION**

Ms. Calla Lee-Maher and Mr. Mark Garrett appeared in support of this appeal.

**DECISION**

MOVED by Joy Cameron, SECONDED by Patricia Portsmouth, that this appeal be **granted**, subject to a building permit being issued within three months (2003-September-19<sup>th</sup>).

CARRIED.

4.

**APPEAL:**

**BOV00139**

**APPLICANT:**

**Sukhdev and Kanta Dhingra**

**LOCATION:**

**Legal Description:** LOT 12, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 18936

**Civic Address:** 31 Lorne Place

**PURPOSE:** The applicant is requesting that the maximum height for a duplex be calculated vertically from finished grade level, which is presently higher than average natural grade. This represents a variance of 2.0 metres (6.56 feet).

**ZONING REGULATIONS:**

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

*Section 4.1 – Definitions*

*“Height, Building – except as otherwise defined in a Zone means:*

*(1) In Residential Zones*

*(a) the distance measured vertically from the average natural grade or finished grade level whichever is lower,*

*recorded at the outer most corners of the building as determined by survey and reference benchmark prior to site preparation to the highest part of the building.”*

**DISCUSSION**

Mr. Sukhdev Dhingra and Mr. Ken Grewal appeared in support of this appeal. Ms. Lena Rasmussen and Ms. Susan Rasmussen (1120 Beaufort Drive) appeared for information purposes.

**DECISION**

MOVED by Joy Cameron SECONDED by Jerome Howell, that this appeal be **granted**, subject to a building permit being issued within three months (2003-September-19<sup>th</sup>).

CARRIED.

**5. APPEAL: BOV00140**

**APPLICANT: Steven and Sandra Bishop**

**LOCATION: Legal Description:** SECTION D, OF LOT 2,  
BLOCK T, SECTION 1, NANAIMO DISTRICT,  
PLAN 584

**Civic Address: 40 Pine Street**

**PURPOSE:** The applicant is requesting that the side yard setback requirement be reduced from 1.5 metres (4.92 feet) to .61 metres (2.0 feet), in order to accommodate a reconstructed accessory building which is presently non-conforming as to siting. This represents a variance of .89 metres (2.92 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."*

#### **DISCUSSION**

Mr. Steven Bishop appeared in support of 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 (2003-September-19<sup>th</sup> ).

CARRIED.

**6. APPEAL: BOV00142**

**APPLICANT: Sovereign Wood Products Corp.**

**LOCATION: Legal Description:** LOT 68, DISTRICT  
LOT 41, WELLINGTON DISTRICT, PLAN  
VIP58466  
**Civic Address: 4124 Gulfview Drive**

**PURPOSE:** The applicant is requesting that:

1. The height requirement for a single family dwelling be increased from 8.25 metres (27.06 feet) to 10.85 metres (35.59 feet);
  2. and that the maximum perimeter wall height be increased from 7.32 metres (24.02 feet) to 9.27 metres (30.41 feet)
- in order to construct a single family dwelling. This represents a height requirement variance of 2.6 metres (8.53 feet) and a maximum perimeter wall height variance of 1.95 metres (6.39 feet).

#### **ZONING REGULATIONS:**

This property is zoned Single Family Residential (Large Lot) Zone (RS-2), and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000":

*"Section 6.2.7.1 - 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 (&gt; 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.*

#### *Section 6.2.8.1 - Maximum Perimeter Wall Heights*

*"The perimeter wall height of the principal dwelling shall not exceed 7.32 metres (24 feet)."*

### **DISCUSSION**

Mr. Howard Smith 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-September-19<sup>th</sup>).

CARRIED.

- 7. APPEAL: BOV00143**
- APPLICANT: PETROGLYPH INDUSTRIAL PARK LTD**
- LOCATION: Legal Description: LOT 8, SECTION 10,  
RANGE 7, MOUNTAIN DISTRICT, PLAN  
VIP74129**
- Civic Address: 359 Weaver Road**

**PURPOSE:** The applicant is requesting that the maximum height for a single family dwelling be calculated vertically from finished grade level, which is higher than average natural grade. This represents a variance of 1.52 metres (5.0 feet).

### **ZONING REGULATIONS:**

This property is zoned Single Family Residential (Large Lot) Zone (RS-2) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000"

*Section 4.1 – Definitions*

*“Height, Building – except as otherwise defined in a Zone means:*

*(1) In Residential Zones*

*(a) the distance measured vertically from the average natural grade or finished grade level whichever is lower,*

*recorded at the outer most corners of the building as determined by survey and reference benchmark prior to site preparation to the highest part of the building.”*

**DISCUSSION**

Mr. Bill Lawson 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 (2003-September-19<sup>th</sup> ).

CARRIED.

**8. APPEAL: BOV00144**

**APPLICANT: Jeffery Mathews and Sandra Moscrip**

**LOCATION: Legal Description:** LOT 16, SECTION 17, RANGE 7, MOUNTAIN DISTRICT, PLAN 526A  
**Civic Address: 2099 Lark Crescent**

**PURPOSE:** The applicant is requesting that

1. The height of a fence along the side yard adjoining the flanking street, for a distance of 7 metres from the point of intersection, be increased from 1.2 metres (3.94 feet) to 1.68 metres (5.51 feet). This represents a variance of .48 metres (1.57 feet);
2. and that the maximum height of a fence in a front yard be increased from 1.2 metres (3.94 feet) to 1.68 metres (5.51 feet). This represents a variance of .48 metres (1.57 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 5.8.1 – Visibility at Intersections*

*Where two highways intersect, there shall be no obstruction to the line of vision between 1.2 meters (3.94 feet) and 3 meters (9.84 feet) within an area bounded by the center line of intersecting lot lines, and a line joining each of the lot lines 7 meters from the point of intersection.*

*Section 6.1.9 – Height of Fences*

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

**DISCUSSION**

Ms. Sandra Moscrip, Mr. Jeffrey Mathews and Mr. Brian Senini appeared in support of this appeal.

**DECISION**

MOVED by Patricia Portsmouth, SECONDED by Roger Richer, that this appeal be **denied**.

This motion FAILED.

MOVED by Joy Cameron, SECONDED by Roger Richer, that an appeal be **granted** to:

1. Increase the maximum height of fence along the side yard adjoining the flanking street, for a distance of 7 metres from the point of intersection, from 1.2 metres (3.94 feet) to 1.52 metres (5.0 feet);
2. and increase the maximum height of a fence in a front yard from 1.2 metres (3.94 feet) to 1.52 metres (5.0 feet).

CARRIED.

**9. MINUTES**

MOVED by Joy Cameron, SECONDED by Dan Hooper that the minutes of the meeting held 2003-May-15<sup>th</sup> be adopted as circulated.

CARRIED

**10. ADJOURNMENT**

MOVED by Jerome Howell, SECONDED by Dan Hooper that the meeting be adjourned at 8:00p.m.

CARRIED.



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Roger Richer,  
Chairperson, Board of Variance

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Maureen Pilcher,  
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/bovmJune2003>