

CITY OF NANAIMO

BOARD OF VARIANCE

**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD ON TUESDAY, 2003-May 15TH, IN THE BOARD ROOM, CITY HALL,
455 WALLACE STREET, NANAIMO, BC**

PRESENT: Joy Cameron, Acting Chairperson
Dan Hooper
Roger Richer

STAFF: Chris Sholberg
Jason Carvalho

1. CALL TO ORDER:

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

2. APPEAL: BOV00137

APPLICANT: Rick Hewitt

LOCATION: Legal Description: LOT A, SECTION 17, RANGE
7, MOUNTAIN DISTRICT, PLAN 472
Civic Address: 2201 Fern Road

PURPOSE: The applicant is requesting that the maximum height of a fence in a front yard be increased from 1.2 metres (3.94 feet) to 1.52 metres (4.99 feet). This represents a variance of .32 metres (1.05 feet). The applicant is also requesting that the maximum height of a fence along the side yard adjoining the flanking street be increased from 1.2 metres (3.94 feet) to 1.98 metres (6.50 feet) for a distance of 7 metres from the point of intersection. This represents a variance of .78 metres (2.56 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. Ian Bornazle (4171 Jinglepot Road) appeared in support of this appeal. Applicant not in attendance

DECISION

MOVED by Roger Richer, SECONDED by Dan Hooper, that decision on this appeal be **deferred** until the Board of Variance's next meeting to be held 2003-June-19th, based on Mr. Bornazle's request to postpone decision regarding flanking street fence height subject to submission of additional information by property owner.

CARRIED.

- 3. APPEAL:** **BOV00134**
- APPLICANT:** **Diane Boe (Charles Janjic)**
- LOCATION:** **Legal Description:** LOT 10, DISTRICT LOT 40,
WELLINGTON DISTRICT, PLAN 30490
Civic Address: **5758 Broadway Road**
- PURPOSE:** The applicant is requesting that the maximum height requirement be increased from 4.5 metres (14.76 feet) to 5.35 metres (17.55 feet) in order to construct an accessory building. This represents a variance of .85 metres (2.79 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 5.5.3 – Accessory Buildings and Structures.
The maximum height of an accessory building shall be 4.5 metres (14.76 feet) unless otherwise specified."*

DISCUSSION

Mr. Ted Boe, Mrs. Diane Boe and Mr. Charles Janjic appeared in support of this appeal.

DECISION

MOVED by Dan Hooper, SECONDED by Roger Richer, that this appeal be **granted**, subject to a building permit being issued within three months (2003-August-15th).

CARRIED.

4. APPEAL: BOV00135

APPLICANT: Mr. & Mrs. Postulo

LOCATION: Legal Description: AMENDED LOT 24 (DD 83807N), BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 1662
Civic Address: 150 Princess Street

PURPOSE: The applicant is requesting that the front yard setback requirement for a through lot be reduced from 6.0 metres (19.69 feet) to 1.83 metres (6 feet) for a recently constructed accessory building. This represents a variance of 4.17 metres (13.68 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 – Yard Requirements
A front yard of not less than 6 metres (19.69) feet shall be provided."*

DISCUSSION

Mrs. Bonnie Postulo appeared in support of this appeal.

DECISION

MOVED by Roger Richer SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2003-August-15th).

CARRIED.

5. **APPEAL:** **BOV00136**

APPLICANT: **Mr. and Mrs. Mayer**

LOCATION: **Legal Description:** LOT 2, DOUGLAS ISLAND
(ALSO KNOWN AS PROTECTION ISLAND),
NANAIMO DISTRICT, PLAN 21569
Civic Address: **183 Colvilleton Trail**

PURPOSE: The applicant is requesting that the height requirement for an accessory building be increased from 4.5 metres (14.76 feet) to 5.57 metres (18.26 feet) for a recently constructed accessory building. This represents a variance of 1.07 metres (3.51 feet)

ZONING REGULATIONS:

This property is zoned Single Family Residential Island Zone (RS-4) and the appeal seeks to vary the following provisions of "City of Nanaimo Zoning Bylaw 4000"

"Section 6.4.7. – Height of Buildings

The height of an accessory building shall not exceed 4.5 metres (14.76 feet)."

DISCUSSION

Mr. and Mrs. Mayer appeared in support of this appeal.

DECISION

MOVED by Roger Richer, SECONDED by Dan Hooper, that this appeal be **granted**, subject to a building permit being issued within three months (2003-August-15th).

CARRIED.

8. **MINUTES**

MOVED by Dan Hooper, SECONDED by Joy Cameron that the minutes of the meeting held 2003-April-15th be adopted as circulated.

CARRIED

9. **ADJOURNMENT**

MOVED by Roger Richer, SECONDED by Dan Hooper that the meeting be adjourned at 7:40 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, 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.

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