



**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM AT 411 DUNSMUIR STREET
ON TUESDAY, 2016-MAY-19 COMMENCING AT 5:30 PM**

PRESENT: Members: Mr. Gerald (Gerry) Johnson - Chair
Mr. Mark Dobbs
Mr. Gordon Turgeon
Mr. Richard Finnegan
Staff: Mr. Dave Stewart, Planner, Planning & Design

Absent: Mr. Tyler Brown

1. CALL MEETING TO ORDER:

The regular meeting was called to order at 5:30 p.m.

2. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the meeting of the Board of Variance held on Thursday, 2016-APR-19 be adopted. The motion carried unanimously.

3. APPLICATIONS:

APPEAL NO: BOV680

Applicant: Ms. Michelle Bates (Ecklundson Construction) on behalf of Nadeen Jaik-Robinson and Maurie Robinson.

Civic Address: 3237 Lauren Mary Place

Legal Description: LOT J, DISTRICT LOT 56, WELLINGTON DISTRICT, PLAN 41255

Purpose: Zoning Bylaw No. 4500 requires a single residential dwelling with a flat roof and within the Single Dwelling Residential (R1) zone not exceed a height of 7m. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to construct a single residential dwelling with a flat roof (1:12 pitch), 8.36m in height. This represents a variance request a height variance of 1.36m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 7.6.1 – Size of Buildings

The maximum allowable height of a principal building with a flat roof (less than a 4:12 pitch) is 7m.

Local Government Act: The variance is to permit proposed construction. Local Government Act, Sections 528/529 - Non-conforming Uses and Siting, does not apply.

Discussion: Michelle Bates and Chris Cross (Ecklundson Construction), and Peter Jorgensen (Designer) were in attendance for their appeal.

Ms. Janet Edens – 3310 Edgewood Drive

Mr. Murray McNab on behalf of Betty Bartleman – 3243 Lauren Mary Place

Ms. Valerie Marlow – 3236 Fieldstone Way

Decision: It was moved and seconded that the variance be approved. The motion carried.

APPEAL NO: **BOV681**

Applicant: Mr. Paul Gillespie (Boehm Construction) on behalf of Diana and John Musgreave

Civic Address: 3820 Sundown Drive

Legal Description: LOT 5, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN 31821

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 2.5m for a front porch and 6m for all garages and carports entranceways facing a street within the Single Dwelling Residential Zone. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to permit construction of a covered entryway 1.38m from the front yard property line and the enclosure of an existing legal non-conforming carport located 3.74m from the front property line. This represents a variance of 1.12m for the covered entranceway and 2.26m

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.5.1 – Projections Into Yards

A front porch may project up to 2m into the required front yard setback.

Section 7.5.1 – Yard Requirements

A front yard setback of 4.5m is required.

Section 7.5.3 – Yard Requirements

Notwithstanding Section 7.5.1, all garages and carports facing a street on a single residential dwelling or duplex must be setback at least 6m."

Local Government Act: The property is considered legal- non-conforming as to sitting; Section 529 of the Local Government Act, 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 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. Paul Gillespie and Jeff Boehm (Boehm Construction) were in attendance for their appeal.

Decision: It was moved and seconded that the variance be approved. The motion carried.

APPEAL NO: **BOV682**

Applicant: Mr. Roland Rustad on behalf of Mr. Phillip Field and Mrs. Evelyn Edith Field

Civic Address: 400 Woodhaven Drive.

Legal Description: STRATA LOT 186, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 830, (PHASE 3), TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 6m and a side yard setback of 1.5m for a garage or carport which faces a street. In addition the bylaw requires a maximum allowable height of 5m for an accessory building with a 7:12 roof pitch. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to permit construction of a detached carport 2.31m from the front property line, 1.39m from the side property line with a height of 5.88m. This represents a front yard setback variance of 3.69m, a side yard setback variance of 0.11m and a height variance of 0.88m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500

*“Section 7.5.1 – Yard Requirements
A front yard setback of 4.5m is required.
A side yar setback of 1.5m is required.*

*Section 6.6.5 – Accessory Buildings
The maximum height of an accessory building with 7:12 roof pitch is 5.0m.”*

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Sections 528/529 - Non-conforming Uses and Siting, does not apply.

Discussion: Mr. Roland Rustad was in attendance for his appeal.

5. ADJOURNMENT

It was moved and seconded at 6:40 p.m. that the meeting terminate. The motion carried.

APPROVED BY:


CHAIR


DATE

CONCURRENCE BY:


STAFF LIASON

CERTIFIED CORRECT:


CORPORATE OFFICER