



**MINUTES OF THE MEETING  
OF THE BOARD OF VARIANCE  
HELD IN THE BOARDROOM AT 411 DUNSMUIR STREET  
ON TUESDAY, 2015-NOV-19 COMMENCING AT 5:30 PM**

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PRESENT:   Members:   Mr. Tyler Brown – Chair  
                              Mr. Gordon Turgeon  
                              Mr. Gerald (Gerry) Johnson  
                              Mr. Richard Finnegan

                  Regrets:   Mr. Mark Dobbs

                  Staff:       Dave Stewart, Planner, Planning & Design Section  
                              Lauren Wright, Planning Assistant, Planning & Design Section

**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, 2015-SEP-17 be adopted. The motion carried unanimously.

**3.     APPLICATIONS:**

**APPEAL NO:**               **BOV664**

**Applicant:**               Ms. Rachel Broadhead

**Civic Address:**         527 Milton Street

**Legal Description:**     THE WESTERLY ½ OF SECTION A, LOT 8, BLOCK G, SECTION 1,  
NANAIMO DISTRICT, PLAN 584

**Purpose:**                 The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 1.8m in order to increase the height of an existing fence in the front yard. This represents a variance request of 0.6m.

**Zoning Regulations:** Old City Infill Service Commercial – DT11. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the DT11 zone"*

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

**Discussion:** Ms. Rachel Broadhead was in attendance for their appeal.

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

**APPEAL NO:** **BOV665**

**Applicant:** Ms. Kylea Gell

**Civic Address:** 940 Townsite Road

**Legal Description:** LOT 1, BLOCK 5, SECTION 1, DISTRICT LOT 96-G, NANAIMO DISTRICT, PLAN 2039

**Purpose:** The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 1.6m in order to construct a fence on a through-lot. This represents a variance request of 0.4m.

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

*"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the R1 zone"*

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

**Discussion:** Ms. Kylea Gell and Mr. Ryan Kitzul were in attendance for their appeal.

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

**APPEAL NO:** **BOV666**

**Applicant:** Mr. Mike Pranke, on behalf of Mr. Wayne Krawchuk and Mrs. Brenda Krawchuk

**Civic Address:** 3574 Oakridge Drive

**Legal Description:** LOT 1, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN 28415

**Purpose:** Zoning Bylaw No. 4500 requires a front yard setback of 6m for garage doors and carport entrance ways facing a street on a single dwelling residence or duplex. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to enclose an existing legal non-conforming detached carport 2.4m from the front lot line. This represents a variance request of 3.6m.

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

*"Section 7.5.3 – Siting of Buildings  
All garage doors and carport entrance ways facing a street on a single residential dwelling or duplex must be setback at least 6m."*

**Local Government Act:** The existing carport is considered legal non-conforming. Section 911 (9) and (10) 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 or structure 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. Wayne Krawchuk was in attendance for their appeal.

**Decision:** It was moved and seconded that the variance request be **denied**. The motion carried.

The variance request was not deemed to be a hardship.

**APPEAL NO:** **BOV668**

**Applicant:** Mr. Glen Davey

**Civic Address:** 610 Lambert Avenue

**Legal Description:** LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN 10716

**Purpose:** Zoning Bylaw No. 4500 requires a flanking yard setback of 4m. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to repair the existing legal non-conforming garage 0m from the flanking side yard lot line. This represents a variance request of 4m.



**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 flanking side yard setback of 4m is required."*

**Local Government Act:** The existing carport is considered legal non-conforming. Section 911 (9) and (10) 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 or structure 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. Glen Davey was in attendance for their appeal.

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

**APPEAL NO:** **BOV669**

**Applicant:** Ms. Cheryl L'Herault

**Civic Address:** 617 Brechin Road

**Legal Description:** LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 11467

**Purpose:** The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 2.0m in order to reconstruct an existing legal non-conforming retaining wall. This represents a variance request of 0.8m.

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

*"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the R1 zone"*

**Local Government Act:** The existing fence is considered legal non-conforming. Section 911 (9) and (10) 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 or structure 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:** Ms. Cheryl L'Herault was in attendance for their appeal.

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

**4. OTHER BUSINESS:**

Discussed survey requirements for applications.

**5. ADJOURNMENT**

It was moved and seconded at 6:10 p.m. that the meeting terminate. The motion carried.



CHAIR  
CERTIFIED CORRECT



DATE: