

CITY OF NANAIMO

BOARD OF VARIANCE

MINUTES OF THE MEETING OF THE BOARD OF VARIANCE  
HELD ON THURSDAY, 2009-JANUARY-15<sup>th</sup>, IN THE BOARD ROOM,  
CITY HALL, 455 WALLACE STREET, NANAIMO, BC

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**PRESENT:** Jerome Howell, Chair  
Lars Apland  
Jim Galloway  
Dan Hooper

**STAFF:** Kris Sillem

1. **CALL TO ORDER:**  
The meeting was called to order at 7:12 p.m.

2. **APPEAL:** **BOV00478**

**APPLICANT:** Barbara Glen

**LOCATION:** **Legal Description:** LOT 14, SECTION 18, RANGE 6,  
MOUNTAIN DISTRICT, PLAN VIP79784  
**Civic Address:** 2088 Mountain Vista Drive

**PURPOSE:** The applicant is requesting that the required side yard setback, as shown in the provided survey, be varied from 1.5 metres (4.92 feet) to 1.0 metres (3.28 feet) in order to permit, a single family dwelling under construction. This represents a variance of .5 metres (1.64 feet)

**ZONING REGULATIONS:**

This property is included in the Steep Slope Residential Zone – (RS-7) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 6.7.7.2– Yard Requirements*

*Side yards of not less than 1.5 metres (4.9 feet) for each side yard shall be provided.*

**DISCUSSION**

Ms. Barbara Glen and Mr. Alan Dyck (491 Stewart Avenue) appeared in support of the appeal.

**DECISION**

MOVED by Dan Hooper, SECONDED by Lars Apland that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-July-15<sup>th</sup>).

CARRIED

3. **APPEAL:** **BOV00479**

**APPLICANT:** Jack Anderson

**LOCATION:** **Legal Description:** LOT 19, BLOCK 4, SECTION 1, NANAIMO  
DISTRICT, PLAN 584  
**Civic address:** 106 Fry Street

**PURPOSE:** The applicant is requesting the following variances:

1. That the required side yard setback, as shown in the provided survey, be varied from 6 metres (19.68 feet) to 0.5 metres (1.64 feet) in order to permit the construction of a canopy on an existing warehouse which is non-conforming as to siting and lot coverage. This represents a side yard variance of 5.5 metres (18.04 feet)
2. That the required lot coverage, as shown in the provided survey be varied from 50% - 404 square metres (4,348.6 square feet) to 72.7 - % 587 square metres (6,318.4 square feet), in order to permit the construction of a canopy on an existing warehouse which is non-conforming as to siting and lot coverage. This represents a lot coverage variance of 22.7% - 183 square metres (1,969.8 square feet)

**ZONING REGULATIONS:**

This property is included in the Light Industrial Residential Zone – (I-2) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 11.2.5.2 – Yard Requirements*

*A side yard shall be provided of not less than 6 metres (19.69 feet) in width for 1 side yard and 0 metres for the other.*

*“Section 11.2.4 - Lot Coverage*

*The maximum lot coverage shall not exceed 50% of the lot area.*

**DISCUSSION**

Mr. Jack Anderson (1655 Cedar Road) appeared in support of the appeal.

**DECISION** - re :

MOVED by Jim Galloway, SECONDED by Dan Hooper that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-July-15<sup>th</sup>).

CARRIED

4. **APPEAL:** **BOV00480**

**APPLICANT:** **Roy Davies**

**LOCATION:** **Legal Description:** LOT 1, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN VIP79560

**Civic Address:** **4520 Sheridan Ridge Road**

**PURPOSE:** The applicant is requesting that the maximum height of a single family dwelling, as shown in the provided survey, be increased from 8.25 metres (27.06 feet) to 8.32 metres (27.29 feet) in order to permit a single family dwelling under construction. This represents a variance of 0.07 metres (0.23 feet).

**ZONING REGULATIONS:**

This property is included in the Steep Slope Residential Zone – (RS-7) and the appeal seeks to vary the following provisions of the “City of Nanaimo Zoning Bylaw 4000”:

*“Section 6.7.8.1 - 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>
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A flat roof (< than 4:12)	6.71 metres (22 feet)
A sloped roof (≥ 4:12)*	8.25 metres (27.06 feet)

\* for an area of at least 80% of all roof surfaces measured in plan view.

**DISCUSSION**

Mr. Brent Matich (145 Panamount Place N.W. Calgary Alberta) and Mr. Glenn Matich 10337 Tuscany Hills Way NW Calgary Alberta appeared in support of the appeal. Ms. Sidhu Balwinder and Mr. Rajinder Balwinder (13902 - 93 Avenue North Surrey British Columbia) appeared in opposition to the appeal.

**DECISION**

MOVED by Lars Apland, SECONDED by Jim Galloway that the appeal be **approved**. Approval is subject to a building permit being issued within 6 months (2009-May-20<sup>th</sup>).

CARRIED

7. **MINUTES**

MOVED by Jim Galloway, SECONDED by Lars Apland that the minutes of the meeting held 2008-October-16<sup>th</sup> be adopted.

CARRIED

8. **ATTENDANCE**

Attendance to be determined based on the outcome of Council appointments to the Board of Variance to be made 2009-February-09<sup>th</sup>.

9. **ADJOURNMENT**

MOVED by Dan Hooper, SECONDED by Lars Apland that the meeting be adjourned at 7:47 p.m.

CARRIED



Jerome Howell  
Chairperson, Board of Variance



Kris Sillem  
Secretary, Board of Variance

ec Planning and Development Department  
Building Inspection Department  
Bylaw Services Department  
Cam Scott, Communications Officer  
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