



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON THURSDAY, 2015-JULY-16 AT 5:30PM IN THE BOARDROOM OF THE  
SERVICE AND RESOURCE CENTRE, LOCATED AT 411 DUNSMUIR STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES: 2015-JUN-18 BOV MEETING**
3. **APPLICATIONS:**

**APPEAL NO: BOV00657**

**Applicant:** Ms. Laura McIntosh

**Civic Address:** 1464 Estevan Road

**Legal Description:** Lot 11, Block 8, Newcastle Reserve, Section 1, Nanaimo District, Plan 1972 (PID 006-617-140)

**Purpose:** Zoning Bylaw No. 4500 requires a front yard setback of 6m for a principle dwelling. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the construction of a detached duplex 2.5m from the front yard lot line adjacent to a major road. This represents a variance request of 6m.

**Zoning Regulations:** Medium Density Residential – R8. 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 6m is required."*

*"Section 7.5.4 – Yard Requirements  
Notwithstanding Subsection 7.5.1, where a property abuts a major road, an additional 2.5m front yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road."*

**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.

**APPEAL NO: BOV00658**

- Applicant:** Mr. David Poiron on behalf of Ms. Deanne Orrell & Mr. Darren Rinaldi
- Civic Address:** 410 Kennedy Street
- Legal Description:** That Part of Section D, Lot 17, Block H, Section 1, Nanaimo District, Plan 584, Lying to the North of a Boundary Parallel to and Perpendicularly Distant 36 Feet From the Southerly Boundary of Said Lot (PID 008-875-430)
- Purpose:** Zoning Bylaw No. 4500 requires a side yard setback of 1.5m for a principal dwelling. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to permit a structural alteration to a legal non-conforming single residential dwelling which is located 0.45m from the west side lot line and 0.55m from the east side lot line. This represents a side yard setback variance of 1.05m and 0.95m, respectively.
- Zoning Regulations:** Old City Duplex Residential – R13. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":  
  
*“Section 7.5.1 – Yard Requirements  
A side yard setback of 1.5m is required.”*
- Local Government Act:** The existing single family dwelling 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.”*

**4. OTHER BUSINESS:**

**5. ADJOURNMENT**