



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON THURSDAY, 2015-FEB-19 AT 5:30PM IN THE BOARDROOM,  
SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES: 2014-SEP-04 AND 2015-JAN-15 BOV MEETINGS**
3. **APPLICATIONS:**

**APPEAL NO: BOV00650**

- Applicant:** Mr. Steve Strenja on behalf of Ms. Noreen McHale
- Civic Address:** 633 Victoria Road
- Legal Description:** Lot 23, Block FA, Section 1, Nanaimo District, Plan 584 (PID 008-863-407)
- 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 No. 4500 in order to permit the construction of a washroom and laundry room addition 0.76m from the side property line. This represents a variance request of 0.74m.
- 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 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.”*

**APPEAL NO: BOV00653**

- Applicant:** Mr. Ken Connolly of Pheasant Hill Homes on behalf of Mr. Andre Sullivan
- Civic Address:** 106 Pine Street
- Legal Description:** Section A, of Lot 2, Block S, Section 1, Nanaimo District, Plan 584 (PID 008-844-682)
- 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 No. 4500 in order to legalize the siting of the existing dwelling 0.35m from the side yard property line to permit increasing the basement ceiling height below grade. This represents a variance request of 1.15m.
- Zoning Regulations:** Single Dwelling Residential – R1b. 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:**

Board of Variance membership terms expire in March of 2015.

**5. ADJOURNMENT**