



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON THURSDAY, 2015-JAN-15 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 BOV MEETING**
  
3. **APPLICATIONS:**

**APPEAL NO: BOV00648**

**Applicant:** Mr. Darren Cavan (Classic Home Improvements) on behalf of Mr. Deano Andrew Fatovic

**Civic Address:** 698 Nicol Street

**Legal Description:** Lot 1, Block Galsworthy, Section 1, Nanaimo District, Plan 584 (PID 008-816-328)

**Purpose:** Zoning Bylaw No. 4500 stipulates that steps and landings may project 2m into the required front yard setback. The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the replacement of steps that project 3.15m into the front yard setback. This represents a front yard projection variance request of 1.15m.

**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*

Feature	Permitted Projection into Required Yard Setback				Conditions of Use
	Front	Side	Flanking Side	Rear	
Steps and Landings	2m	---	2m	2m	

**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: BOV00649**

**Applicant:** Ms. Deborah Thomson

**Civic Address:** 5048 Vista View Crescent

**Legal Description:** Lot 8, District Lot 54, Wellington District, Plan 49419  
(PID 015-166-252)

**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 the replacement of stairs 1.15m from the side property line. This represents a variance request of 0.35m.

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

**4. OTHER BUSINESS:**

Board of Variance membership terms expire in March of 2015.

**5. ADJOURNMENT**