



COMMUNITY DEVELOPMENT DEPARTMENT

**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM, 455 WALLACE STREET, NANAIMO, BC
ON THURSDAY, 2015-JAN-15 COMMENCING AT 5:30 P.M.**

PRESENT: Members: Mr. Tim Wait - Chair
Ms. Janet Cowling
Mr. Mark Dobbs

Regrets: Mr. Allan Dick
Mr. Amarjit Minhas

Staff: Mr. Dave Stewart, Planner, Planning & Design Section

1. CALL THE MEETING TO ORDER:

The regular meeting was called to order at 5:31 p.m.

2. ADOPTION OF MINUTES:

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 the 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 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.

Discussion: Mr. Darren Cavan was in attendance for the appeal.

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

The variance request was deemed to be a hardship.

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 No. 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.

Discussion: Ms. Deborah Thomson and Mr. Wilfred Lessard were in attendance for the appeal.

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

The variance request was deemed to be a hardship.

4. **OTHER BUSINESS:**

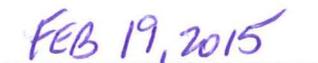
The Board of Variance members were advised that all current member terms expire as of 2015-MAR-31. Staff asked members to consider whether or not they would like to apply for an additional three-year term.

5. **ADJOURNMENT:**

It was moved and seconded at 6:00 p.m. that the meeting terminate. The motion carried.



CHAIR
CERTIFIED CORRECT



DATE: