



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON THURSDAY, 2014-FEB-20 AT 5:30PM IN THE BOARDROOM,
SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES: 2013-DEC-19 BOV MEETING**
3. **APPLICATIONS:**

APPEAL NO: **BOV00643**

Applicant: Mr. Bryan Markel on behalf of Ms. Wilma Markel

Civic Address: 3226 Greystone Place

Legal Description: STRATA LOT 16, SECTION 5, WELLINGTON DISTRICT, STRATA PLAN 1634 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 4.5m for a principal dwelling and 6.0m for garage doors facing the road; a flanking side yard setback of 4.0m; and a side yard setback of 1.5m. The applicant is requesting to legalize the existing, non-conforming siting of the single family dwelling, as noted on the attached survey, including the following variances:

- front yard setback for a garage from 6m to 4.3m, a variance request of 1.7m;
- front yard setback from 4.5m to 2.47m, a variance request of 2.03m;
- side yard setback from 1.5m to 0.79m, a variance request of 0.71m; and
- flanking side yard setback from 4m to 2.8m, a variance request of 1.2m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

“Section 7.5.3– all garage doors facing a highway on a single residential dwelling must be setback at least 6m.”

*“Section 7.5.1 – Yard Requirements
A front yard setback of 4.5m is required
A side yard setback of 1.5m is required
A flanking side yard setback of 4.0m 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

/pm

ec: Bruce Anderson, Manager, Planning & Design Section
Graham Trimmer, Engineering Development Technician, Engineering Section
Kris Sillem, Manager, Subdivision Approvals / Deputy Approving Officer
Building Inspections Section

G:\Devplan\Files\Admin\0360\2013\Agendas\2014-FEB-20