



COMMUNITY SAFETY & DEVELOPMENT

AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE TO BE HELD ON THURSDAY, 2013-OCT-17 AT 5:30PM IN THE BOARDROOM, SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC

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

APPEAL NO: BOV00635

Applicant: Ms. Patricia Moore

Civic Address: 77 Princess Street

Legal Description: LOT 8, BLOCK 2, SECTION 1, NANAIMO DISTRICT, PLAN 1662, EXPECT THAT PART IN PLAN 35441

Purpose: Zoning Bylaw 4500 requires a side yard setback of 1.5m for an open deck. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for a recently constructed open deck (as shown on the attached survey) 0.6m from the side yard property line. This represents a variance request of 0.9m.

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 house (but not the recently constructed deck) 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: BOV00636**Applicant:** Ms. Carla Paler**Civic Address:** 2165 Michigan Way**Legal Description:** LOT 57, SECTION 12, RANGE 7, MOUNTAIN DISTRICT, PLAN 38727

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of a heat pump in a side yard and to the side of a single residential dwelling. Zoning Bylaw 4500 requires heat pumps be located to the rear of the dwelling and have a setback of 4.5m from the side parcel line. The heat pump is proposed to be located to the side of the existing dwelling and approximately 2.6m from the side parcel line. This represents a variance request to permit a heat pump to the side of an existing dwelling and a side yard setback variance of 1.9m.

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

"6. 5. 2 – Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air condition units must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines or closer than 3m from the rear property line."

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: BOV00637**Applicant:** Ms. Nancy Rose Dunlop**Civic Address:** 1140 Strathmore Street**Legal Description:** LOT 7, SECTION 1, NANAIMO DISTRICT, PLAN 8632

Purpose: Zoning Bylaw 4500 requires a side yard setback of 1.5m for an accessory building. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for the reconstruction of an existing garage 0.8m from the side yard property line. This represents a variance request of 0.7m.

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 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: **BOV00638**

Applicant: Mr. Rob Grey on behalf of SPR Construction Ltd. (Mr. Jarnail Sidhu)

Civic Address: 981 St. Andrews Street

Legal Description: LOT 1, BLOCK 3, DISTRICT LOT 96G, NANAIMO DISTRICT, PLAN 2039

Purpose: Zoning Bylaw 4500 requires a flanking side yard setback of 4m for a principal dwelling. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for a proposed single residential dwelling 2.12m from the flanking side yard property line. This represents a variance request of 1.88m.

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:

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

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