



COMMUNITY SAFETY & DEVELOPMENT

AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE TO BE HELD ON THURSDAY, 2013-SEP-19 AT 5:30PM IN THE BOARDROOM, SERVICE AND RESOURCE CENTRE, 411 DUNSMUIR STREET, NANAIMO, BC

1. CALL TO ORDER
2. ADOPTION OF MINUTES: 2013-AUG-15 BOV MEETING
3. APPLICATIONS:

APPEAL NO: [BOV00632](#)

Applicant: Mr. Bruce Smyth

Civic Address: 1573 Bartlett Street

Legal Description: LOT 2, SUBURBAN LOT 4, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 17872

Purpose: Zoning Bylaw 4500 requires a side yard setback of 1.5m. The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for the replacement of an existing legal non-conforming deck 1.1m from the side parcel line. This represents a variance request of 0.4m.

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: BOV00633**Applicant:** Mr. Arvid Carlson**Civic Address:** 346B Kennedy Street**Legal Description:** LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN VIP87962

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. 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 approximately 1.5m from the northeast side parcel line. This represents a variance request of 3m.

Zoning Regulations: Old City Duplex Residential – R13. 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: BOV00634**Applicant:** Mr. Francois deJong**Civic Address:** 623 Kennedy Street**Legal Description:** SECTION A, OF LOT 8, BLOCK U, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to allow for construction of an accessory building 5.1m in height. Zoning Bylaw 4500 states that the maximum height of an accessory building, with a roof pitch <6:12, shall not exceed a maximum height of 4.5m. This represents a variance request of 0.6m

Zoning Regulations: Old City Low Density (Fourplex) Residential – R14. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

6.6.5 – The maximum height of an accessory building may vary depending on the roof pitch, but shall not exceed the corresponding maximum height provided in the following table:

Roof Pitch	Maximum Height
< 6:12	4.5m
> 6:12*	5.0m
≥ 8:12*	5.5m

**For an area of at least 80% of all roof surfaces measured in plan view*

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:

*Graham Trimmer, Engineering Development Technician
Kris Sillem, Manager, Subdivision Approvals / Deputy Approving Officer
Building Inspections Section*