



COMMUNITY SAFETY & DEVELOPMENT

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

1. CALL TO ORDER
2. ADOPTION OF MINUTES: 2012-DEC-20 BOV MEETING
3. APPLICATIONS:

APPEAL NO.: BOV615

Applicant: Mr. Ian Niamath/Gary Bentham on behalf of Norma Lee Therres

Civic address: 1911 Wilfert Street

Legal Description: LOT 1, SECTION 18, RANGE 8, MOUNTAIN DISTRICT, PLAN 45119

Purpose: The applicant is requesting to vary provisions of Zoning Bylaw 4500 in order to allow for a structural addition to an existing legal non-conforming use.

Zoning Regulations: Highway Industrial- I1. The applicant requests Board of Variance approval for the continuation of a non-conforming use with the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

Local Government Act: The use of the property is considered legal non-conforming. *Local Government Act*, Section 911 – Non-conforming Uses and Siting [article 5] states:

"A structural alteration or addition, except one that is required by an enactment or permitted by a board of variance under section 901 (2), must not be made in or to a building or other structure while the non-conforming use is continued in all or any part of it."

APPEAL NO.: **BOV616**

Applicant: Mr. Dave Dinh on behalf of Hoan Phan, Kenneth Vissia and Duong Dinh

Civic address: 220 Bird Sanctuary Drive

Legal Description: LOT 4, SECTION 1, NANAIMO DISTRICT, PLAN VIP87165

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw 4500 in order to permit the placement of a heat pump to the side of the single residential dwelling. The required setback is 4.5m from the side parcel line. The proposed setback is 3.5m from the side parcel line. The applicant is requesting a variance of 1m.

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

6. 5. 2 - 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.

4. ADJOURNMENT

/pm
ec:

Graham Trimmer
Building Inspections