



COMMUNITY SAFETY & DEVELOPMENT

AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE TO BE HELD ON 2012-NOV-15 AT 5:30PM IN THE BOARDROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

1. CALL TO ORDER
2. ADOPTION OF MINUTES: 2012-OCT-18 BOV MEETING
3. APPLICATIONS:

APPEAL NO.: BOV 600

Applicant: Mr. Maurice and Mrs. Fiona Shrubbs

Civic address: 465 Stewart Avenue

Legal Description: AMENDED LOT 5 (DD EB25925), BLOCK 1, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: The applicant is requesting to increase the maximum allowable height of a front yard fence from 1.2m to 2.13m in order to allow for an over-height fence along the front property line, as shown on the attached survey. This represents a variance of 0.93m.

Zoning Regulations: Medium Density Residential – R8. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*Section 6.10.2. – Fence Height Requirements
A maximum front yard fence height of 1.2m is permitted.*

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.: BOV609

Applicant: Mr. Ronald Ens

Civic address: 3384 Greyhawk Drive

Legal Description: LOT 13, SECTION 11, WELLINGTON DISTRICT, PLAN VIP82356

Purpose: The applicant is requesting to increase the maximum allowable height of a retaining wall in a front yard and a side yard from 1.2m to 2.6m (front yard) and 2.4m to 2.9m (side yard), as shown on the attached survey. This represents a variance of 1.4m (front yard) and 0.5m (side yard), respectively.

Zoning Regulations: Steep Slope Residential – R10. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*Section 6.10.2. – Fence Height Requirements
A maximum front yard fence height of 1.2m is permitted.
A maximum side yard fence height of 2.4m is permitted.*

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.: **BOV610**

Applicant: Ms. Katherine Waller

Civic address: 619 Fourth Street

Legal Description: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 7554

Purpose: The applicant is requesting to increase the allowable projection of stairs, landings and a front porch into the front yard setback from 2m to 3.07m, as shown on the attached survey, in order to permit the replacement of stairs in the front yard setback area.

Please Note: The front yard setback requirement is 4.5m, plus an additional 2.5m (for a total 7m), as the property abuts a major road and dedication has not been taken; however, stairs and front porches are permitted a 2m projection within the front yard setback area. Thus, the variance request is 3.07m.

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 A front yard setback of 4.5m is required.

Section 7.5.4 Notwithstanding 7.5.1, where a property abuts a major road, an additional 2.5m front yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

Section 6.5.1 Projections into Yards

Feature	Permitted Projection into Required Yard Setback			
	Front	Side	Flanking Side	Rear
Steps and Landings	2m	---	2m	2m
Front Porch	2m	---	---	---

Local Government Act: 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.”

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Safety & Development offices, 238 Franklyn Street, Nanaimo, BC, or by calling 250-755-4429 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2012-NOV-06 to 2012-NOV-15, inclusive.

4. ADJOURNMENT

/pm

ec: Building Inspections / Graham Trimmer
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