



COMMUNITY SAFETY & DEVELOPMENT

**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON 2012-JUL-19 AT 7PM IN THE BOARDROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES: 2012-JUN-21**
3. **APPLICATIONS:**

APPEAL NO.: **BOV597**

Applicant: Ms. Maureen Pilcher (Maureen Pilcher & Associates Ltd.)

Civic address: 605 Bowen Road

Legal Description: LOT 11, BLOCK 5, SECTION 1, NANAIMO DISTRICT, PLAN 1465

Purpose: The applicant is requesting approval for a structural alteration to a legal non-conforming use. The applicant is also requesting flanking side yard, side yard and rear yard setback variances; from 4m to 0m for the flanking side yard, 3m to 0m for the side yard and 4.5m to 0m for the rear yard in order to renovate the existing structure.

Zoning Regulations: Local Service Centre - CC1. 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":

"Section 10.2.1" does not permit Automotive Repair Shops.

Local Service Centre - CC1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", Section 10.5.1:

Zone	Minimum Front Yard Setback	Maximum Front Yard Setback	Side Yard	Flanking Side Yard	Rear Yard
CC1	4.5m	7.5m	3m	4m	4.5m

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.: **BOV598**

Applicant: Ms. Colleen Layman

Civic address: 706 Connaught Avenue

Legal Description: LOT 1, BLOCK 3, SECTION 1, NANAIMO DISTRICT, PLAN 1555

Purpose: The applicant is requesting to vary the minimum required front yard setback from 4.5m to 1.6m in order to remodel an existing covered carport. This represents a front yard setback variance of 2.9m.

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 – Siting of Buildings - a front yard of 4.5 metres must be provided.”

Local Government Act: Please note: Section 911 (9) and (10) of the Local Government Act, which 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.: **BOV599**

Applicant: Mr. Bill Corsan (City of Nanaimo) on behalf of Mr. Jim Moriez and Mr. Dalton Moriez.

Civic address: 590 Bradley Street

Legal Description: THE EASTERLY ½ OF LOT 27, SUBURBAN LOT 31, NEWCASTLE TOWNSITE, SECTION 1, NANAIMO DISTRICT, PLAN 388C

Purpose: The applicant is requesting to correct an historic survey error. The applicant requests approval to vary the side yard requirement to the existing building from 3.0m to 1.16m, this represents a side yard setback variance of 1.84m.

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

"Section 7.5.1 – Siting of Buildings - a side yard of 3.0 metres must be provided."

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

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