



COMMUNITY SAFETY & DEVELOPMENT

AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE TO BE HELD ON 2011-MAY-19 AT 7PM IN THE BOARDROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

1. CALL TO ORDER
2. ADOPTION OF MINUTES: 2011-MAR-17
3. APPLICATIONS:

APPEAL NO.: BOV574

Applicant: Mr. David Babakaiff on behalf of Mr. and Mrs. Sator

Civic address: 3808 Norwell Drive

Legal Description: LOT 3, SECTION 5, WELLINGTON DISTRICT, PLAN 3467

Purpose: The applicant is requesting that the front yard setback from a major road be reduced from 10 metres (32.8 feet) to 6 metres (19.68 feet), as shown in the survey provided, in order to permit a structural alteration to an existing single family dwelling which is non-conforming as to siting. This represents a major road setback variance of 4 metres (13.12 feet).

Zoning Regulations: This property is within the Single Family Residential Zone (RS-1). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"Section 5.2.1.1 – Location and Siting of Buildings and Structures to Major Roads
10 metres (32.8 feet) from a property line that abuts established urban arterials,
urban collector roads and provincial highways, as designated by the City of
Nanaimo Official Community Plan, when the required dedication to achieve the
required right of way has not occurred to facilitate the widening of the major
road."*

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."*

4. ADJOURNMENT

/pm

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Building Inspection Division

Jeremy Holm, Manager, Planning Section

Randy Churchill, Manager, Bylaw Regulation & Security, Bylaw Services Section

Bill Corsan, Manager, Real Estate Section

Nancy Peterson, Real Estate Technician, Real Estate Section

David Stewart, Planner, Planning Section

Cam Scott, E-Government / Communications Officer

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