



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2011-MAY-19 IN THE BOARDROOM,
CITY HALL, 455 WALLACE STREET, NANAIMO, BC**

Present: Mr. Lars Apland, Chair
Ms. Janet Cowling
Mr. Allan Dick
Mr. Jim Galloway
Mr. Amarjit Minhas

Staff: Mr. Dave Pady
Mr. Brian Zurek

1. CALL TO ORDER:

The meeting was called to order at 7:02pm.

2. ADOPTION OF MINUTES:

After some discussion, it was decided the adoption of the 2011-MAR-17 minutes be deferred until the next regularly scheduled BOV meeting.

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."

DISCUSSION: Mr. Sator and Mr. Babakaiff appeared in support of the appeal.

DECISION: It was moved and seconded that the setback variance be approved.
Opposed: None

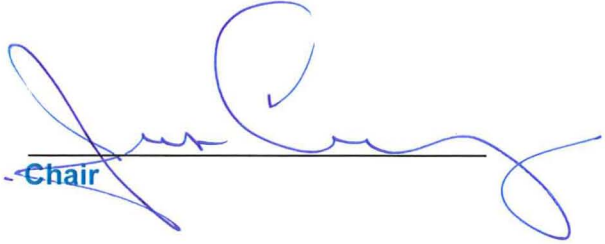
CARRIED

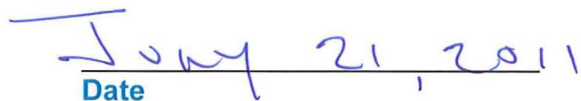
4. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 7:34pm.
Opposed: None

CARRIED

5. APPROVED:


Vice-Chair


Date