



## COMMUNITY SAFETY & DEVELOPMENT

### MINUTES OF THE MEETING OF THE BOARD OF VARIANCE HELD 2011-MAR-17 IN THE BOARDROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

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

**Regrets:** Mr. Allan Dick

**Staff:** Mr. Dave Pady

#### 1. **CALL TO ORDER:**

The meeting was called to order at 6:53pm.

#### 2. **ADOPTION OF MINUTES:**

It was moved and seconded that the minutes of the meetings held 2010-NOV-18 and 2010-DEC-16 be adopted.

Opposed: None

**CARRIED**

#### 3. **APPLICATIONS:**

**APPEAL NO.:** BOV572

**Applicant:** Bonnie and Kenneth Smart

**Civic address:** 366 Milton Street

**Legal Description:** SECTION B OF LOT 2, BLOCK 25, NANAIMO DISTRICT, SECTION 1,  
PLAN 584

**Purpose:** The applicant is requesting that the front yard setback be reduced from the required 6 metres (19.68 feet) to 4.04 metres (13.25 feet) in order to permit a structural alteration to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.96 metres (6.43 feet).

Please note: The applicant previously applied to the Board of Variance requesting that the front yard setback be reduced from the required 6 metres (19.68 feet) to 4.04 metres (13.25 feet) in order to permit a structural alteration to a single family dwelling which is non-conforming as to siting.

At its meeting held 2008-JUN-19 the Board approved the variance based on the survey provided. The applicant wishes to extend the porch further than the area shown on the 2008 survey. The front porch was constructed in accordance with the variance request in 2008; however; the applicant wishes to extend the front porch to span the entire frontage of the existing house and, as such, a variance is required.

**Zoning Regulations:** This property is within the Old City Low Density (Fourplex) Residential Zone (RM-9). The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

*"Section 7.9.6.1. -Yard Requirements*

*A front yard of not less than 6.0 metres (19.69 feet) shall be provided for a principal building.*

**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:** Bonnie and Kenneth Smart 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 7:16pm.

Opposed: None

**CARRIED**

**5. APPROVED:**

*[Handwritten signature]*  
Vice-Chair  
*[Handwritten signature]*  
Date  
July 21, 2011