



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2010-APR-15 IN THE DOUG RISPIN ROOM,
VANCOUVER ISLAND CONFERENCE CENTRE, 80 COMMERCIAL STREET, NANAIMO, BC**

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

Staff: Mr. Dave Pady

1. CALL TO ORDER:

The meeting was called to order at 7:00pm.

2. ADOPTION OF MINUTES:

It was moved and seconded that the minutes of the meeting held 2010-MAR-18 be adopted.

CARRIED

3. NEW BUSINESS:

4. APPLICATIONS:

Appeal No.: BOV541

Applicant: Mr. Daniel Pachkowsky

Civic Address: 104 Captain Morgans Boulevard, Protection Island

Legal Description: LOT 187, DOUGLAS ISLAND (ALSO KNOWN AS PROTECTION ISLAND), NANAIMO DISTRICT, PLAN 14111

Purpose: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 7.1 metres (23.29 feet) as shown in the survey provided, in order to permit the construction of a single family dwelling. This represents a rear yard variance of 0.4 metres (1.31 feet).

Zoning Regulations: This property is within the Single Family Residential Island Zone (RS-4)

"Section 6.4.6.3 - Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building. A rear yard of not less than 1.5 metres 4.92 feet shall be provided for an accessory building."

Discussion: Mr. Daniel Pachknkowsky appeared in support of the application.

DECISION:

It was moved and seconded that the appeal be approved.

CARRIED

Appeal No.: BOV542

Applicant: Ms. Margo Linder

Civic address: 184 Piper Crescent

Legal description: LOT B, DISTRICT LOT 41, WELLINGTON DISTRICT, PLAN 32327

Purpose: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.69 feet) to 3.26 metres (10.69 feet), as shown the survey provided, in order to permit the recently constructed front entrance portico on a single family dwelling, which is non-conforming as to siting. This represents a front yard variance of 2.74 metres (9 feet).

Zoning Regulations: This property is within the Single Family Residential Zone (Large Lot)(RS-2)

“Section 6.2.6.1 - Yard Requirements

A front yard of not less than 6 metres (19.69 feet) shall be provided.”

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: Ms. Margo Linder appeared in support of the appeal.

DECISION:

It was moved and seconded that the appeal be approved.

Opposed: Mr. Allan Dick

CARRIED


5. ADJOURNMENT:

It was moved and seconded that the meeting be adjourned at 7:42 pm.

6. APPROVED:



Chair



Date