



**MINUTES OF THE MEETING OF THE BOARD OF VARIANCE
HELD 2010-JAN-21 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. Jim Galloway
Mr. Amarjit Minhas

STAFF: Mr. Dave Pady

1. CALL TO ORDER:

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

2. ADOPTION OF MINUTES:

It was moved and seconded that the minutes of the meeting held 2009-DEC-17 be adopted.

CARRIED

3. APPLICATIONS:

APPEAL NO.: BOV531

Applicant: Jurgen and Susan Sobottka

Civic address: 803 Glengarry Crescent

Legal description: LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN
VIP60459

Purpose: The applicant is requesting that the required flanking side yard setback to a major road be reduced from 7.5 metres (24.6 feet) to 5 metres (16.4 feet), as shown on the survey, in order to permit the construction of an addition to an existing single family dwelling. This represents a flanking side yard variance of 2.5 metres (8.2 feet).

Zoning Regulations:

This property is within the Residential Single Family Zone (RS-1).

The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000", Section 5.2 - Location and Siting of Buildings and Structures - to Major Roads

Section 5.2.1.2 requires that "...principal or accessory buildings or structures shall not be closer than 7.5 metres (24.6 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 dedication has occurred to achieve the required right-of-way width."

Discussion:

Mr. and Mrs. Williams appeared in opposition to the appeal.

Mr. Sobottka appeared in support of the appeal.

The Board concluded that the application did not meet the criteria for hardship.

Decision:

It was moved and seconded that the appeal be denied.

CARRIED

APPEAL NO.: BOV532

Applicant: Ivan and Simona Sebastian

Civic address: 3612 Uplands Drive

Legal description: LOT 14, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN 15092

Purpose: The applicant is requesting that the required front yard setback to a major road be reduced from 10 metres (32.8 feet) to 8.89 metres (29.16 feet), as shown on the survey, in order to permit a structural addition to a single family dwelling which is non-conforming as to siting. This represents a front yard variance of 1.11 metres (3.64 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 - Location and Siting of Buildings and Structures - to Major Roads.

Section 5.2.1.1 requires that a "...principal or accessory buildings or structures shall not be closer than 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."

PLEASE NOTE: Section 911 (9) and (10) of the Local Government Act 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. and Mrs. Sebastian appeared in support of the appeal.

Decision:


It was moved and seconded that the appeal be approved.

CARRIED

4. ADJOURNMENT:

The meeting be adjourned at 7:40 pm.

5. APPROVED:



Chair



Date