



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE  
TO BE HELD ON 2009-SEP-17 AT 7:00 P.M.  
IN THE DOUG RISPIN ROOM, VANCOUVER ISLAND CONFERENCE CENTRE,  
80 COMMERCIAL STREET, NANAIMO, B.C.**

---

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES:** 2009-JUL-16 & 2009-AUG-20
3. **APPLICATIONS:**

**APPEAL NO.:** BOV00518

**APPLICANT:** CHRISTY GAUDIN

**CIVIC ADDRESS:** 730 OAKLEY STREET

**LEGAL DESCRIPTION:** LOT 4, NEWCASTLE RESERVE,  
SECTION 1, NANAIMO DISTRICT, PLAN  
7767

**PURPOSE:** The applicant is requesting that the required front yard setback be reduced from the required 6 metres (19.69 feet) to 5.15 metres (16.89 feet) in order to permit a structural alteration to an existing single family dwelling, which is non-conforming as to siting. This represents a front yard variance of 0.85 metres (2.8 feet).

**ZONING REGULATIONS:** This property is within the Single Family Residential Zone (RS-1A). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.1.6.1 – 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."*

**APPEAL NO.:** BOV00519  
**APPLICANT:** MARC RICHARD VALETTE  
**CIVIC ADDRESS:** 617 HILLCREST AVENUE  
**LEGAL DESCRIPTION:** LOTS 10 AND 11, BLOCK 1, SECTION 1,  
NANAIMO DISTRICT, PLAN 1566

**PURPOSE:** The applicant is requesting that the required sideyard setback be reduced from 1.5 metres (4.92 feet) to 0.7 metres (2.3 feet), and the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 4.7 metres (15.42 feet) in order to permit the reconstruction of a garage on a single family dwelling, which is non-conforming as to siting. This represents a side yard variance of 0.8 metres (2.62 feet) and a rear yard variance of 2.8 metres (9.18 feet).

**ZONING REGULATIONS:** This property is within the Single Family Residential Zone (RS-1A). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.1.6.1 – Yard Requirements  
A front yard of not less than 6 metres (19.69 feet) shall be provided."*

*"Section 6.1.6.3. -Yard Requirements  
A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principal building."*

*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."*

**APPEAL NO.:** BOV00520  
**APPLICANT:** DAVID H. HARGRAVE  
**CIVIC ADDRESS:** 31 ALBION STREET  
**LEGAL DESCRIPTION:** LOT 1, SECTION 1, NANAIMO DISTRICT,  
PLAN 17381

**PURPOSE:** The applicant is requesting that the required sideyard setback be reduced from 1.5 metres (4.92 feet) to 0.9 metres (2.95 feet) in order to permit the reconstruction of a carport on a single family dwelling. This represents a side yard variance of 0.6 metres (1.97 feet).

**ZONING REGULATIONS:** This property is within the Single Family Residential Zone (RS-1a). The appellant seeks to vary the following provisions of the City of Nanaimo "ZONING BYLAW 1993 NO. 4000" as follows:

*"Section 6.1.6.2 – Yard Requirements  
Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided."*

\*Please note that the applicant previously applied to the Board of Variance requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 0.9 metres (2.96 feet) in order to construct a carport. At their regular meeting held 2008-JUN-19 the Board of Variance approved the application. A building permit was not received within the required 6 month period following the meeting and, as such, the approval has expired.

#### 4. ADJOURNMENT