BOARD OF VARIANCE MEETING TO BE HELD IN THE BOARD ROOM OF CITY HALL, THURSDAY, APRIL 19th, 2007 AT 7:00 P.M., 455 WALLACE STREET, NANAIMO, B.C.

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2007-March-15th

APPEAL: BOV00377

APPLICANT: Wilco Construction Ltd.

LOCATION: Legal Description: LOT 33, SECTION 1,

NANAIMO DISTRICT, PLAN VIP79549 Civic address: 685 Sarum Rise Way

PURPOSE: The applicant is requesting that the maximum height of an accessory building be increased from 4.5 metres (14.76 feet) to 5.1 metres (16.73 feet) in order to construct an accessory building. This represents a variance of 0.6 metres (1.97 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.1.7.4- Accessory Buildings and Structures The maximum height of an accessory building shall not exceed 4.5 metres (14.76 feet)."

3. APPEAL: BOV00378

APPLICANT: Gary Brian Brown

LOCATION: Legal Description: THE WEST 1/2 OF LOT 1

BLOCK 20, SECTION 1, NANAIMO DISTRICT,

PLAN 584

Civic Address: 575 Selby Street

PURPOSE: The applicant is requesting that the required rear yard setback be reduced from 7.5 metres (24.60 feet) to 6.2 metres (20.34 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 1.3 metres (4.26 feet).

ZONING REGULATIONS:

This property is included in the Old City Medium Density Multiple Family Residential Zone (RM-10) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 7.10.6.3 – Yard Requirements

A rear yard of not less than 7.5 metres (24.60 feet) in depth shall be provided for a principle building.

Please note Section 911 (9) and (10) of the <u>Local Government Act</u>, 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."

4. APPEAL: BOV00379

APPLICANT: Kerry Smith

LOCATION: Legal Description: LOT 8, BLOCK 10,

SECTION 1, WELLINGTON DISTRICT, PLAN 414

Civic Address: 2875 Fairbanks Street

PURPOSE: The applicant is requesting the side yard setback be reduced from 1.5 metres (4.92 feet) to 1.15 metres (3.77 feet) in order to construct an addition to an existing single dwelling. This represents a variance of 0.35 metres (1.15 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1A) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"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."

5. APPEAL: BOV00380

APPLICANT: Arthur Edward Smith

LOCATION: Legal Description: LOT A, SECTION 2,

WELLINGTON DISTRICT, PLAN 15525, EXCEPT

PLAN 41572

Civic Address: 2901 Hammond Bay Road

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 7.5 metres (24.60 feet) to 3.8 metres (12.46 feet) in order to construct an addition to a single family dwelling which is non-conforming as to siting. This represents a variance of 3.7 metres (12.14 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (RS-1) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 5.2.1 – Location and Siting of Buildings and Structures to Major Roads 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.

Please note Section 911 (9) and (10) of the <u>Local Government Act</u>, 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."

Attachments to each appeal include:

- application form
- certificate of title
- letter from applicant
- detailed plans

- list of properties notified
- pc D. Lindsay, Manager, Planning Division, DSD
 - C. Nesselbeck, Acting Manager, Property Services, DSD
 - R. Topliffe, Supervisor, Building Inspection Division, DSD
 - G. Trimmer, Engineering Liaison/Support Technician, Engineering & Environmental Division, DSD
 - D. Stewart, Planner, DSD
- ec C. Scott, Communications Officer
 - J. Holm, Subdivision Planner, DSD

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