

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
TUESDAY, DECEMBER 19TH, 2006 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2006-November-16th

2. **APPEAL:** **BOV00353**

APPLICANT: **Ruthalena Johanna Weis**

LOCATION: **Legal Description:** PARCEL A (DD 2846-N) OF
SECTION B, LOT 1, BLOCK Y, SECTION 1, NANAIMO
DISTRICT, PLAN 584
Civic Address: 820 Fitzwilliam Street

PURPOSE: The applicant is requesting that:

- 1) the rear yard setback be reduced from 7.5 metres (24.6 feet) to 0 metres (0 feet); and
- 2) the maximum allowable lot coverage be increased from 40% to 40.74% in order to permit a recently constructed addition to a single family dwelling which is non-conforming as to siting. This represents a setback variance of 7.5 metres (24.6 feet) and a lot coverage variance of 0.74%.

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 6.1.6.3- Yard Requirements

A rear yard of not less than 7.5 metres (24.6 feet) shall be provided for a principle building."

"Section 6.1.5- Lot Coverage

The maximum lot coverage shall not exceed 40% of the lot area"

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."

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 5.2.1.1- Yard Requirements

10 metres (32.8 feet) from a property line that abuts established urban arterials, urban collector roads and provincial highways, as designated by the Official Community Plan, when the required dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road."

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
ec J. Carvalho, Planner, DSD
 J. Holm, Subdivision Planner, DSD
 C. Scott, Communications Officer
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