

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, AUGUST 17TH, 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-July-20th
2. **APPEAL:** **BOV00347**

APPLICANT: **Karen Nicole Von Holstein-Rathlou and Richard Howard Johnstone**

LOCATION: **Legal Description:** SECTION "A" OF LOT 1,
BLOCK P, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: 492 Pine Street

PURPOSE: The applicant is requesting that:

- 1) the front yard setback be reduced from 10 metres (32.8 feet) to 7.85 metres (25.75 feet); and
 - 2) the maximum projection of an open deck into the rear yard be increased from 2 metres (6.56 feet) to 3.5 metres (11.48 feet)
- in order to construct a proposed addition with an open deck to a single family dwelling which is non-conforming as to sitting. This represents a front yard setback variance of 2.15 metres (7.05 feet) and an open deck projection variance of 1.5 metres (4.92 feet).

ZONING REGULATIONS:

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

"Section 5.2.1- Location and Sitting of Buildings and Structures- To Major Roads. Principal or accessory buildings or structures shall not be closed 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 width has not occurred to facilitate the widening of the major road"

"Section 5.4.2- Projections

The maximum projection into the required front and rear yard shall be 2 metres (6.56 feet) or half the distance of the required yard whichever is less..."

*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."*

3. APPEAL: **BOV00348**

APPLICANT: **Soraya Camile Andersen**

LOCATION: **Legal Description:** THE NORTHERLY 20 FEET OF SECTION A, LOT 1, BLOCK R, SECTION 1, NANAIMO DISTRICT, PLAN 584
Civic Address: **288 Pine Street**

PURPOSE: The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.21 metres (0.69 feet) in order to permit a recently completed structural alteration to an existing accessory building which is non-conforming as to siting. This represents a variance of 1.29 metres (4.23 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 6.1.6.1- Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard 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."*

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
 P. Thorkelsson, Manager, Building Inspections, DSD
 M. Pilcher, Subdivision Technician, 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
 C. Scott, Communications Officer
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