

**BOARD OF VARIANCE MEETING
TO BE HELD IN THE BOARD ROOM OF CITY HALL,
THURSDAY, AUGUST 18th, 2005 AT 7:00 P.M.,
455 WALLACE STREET, NANAIMO, B.C.**

AGENDA

1. Adoption of Minutes of the Board of Variance Meeting held 2005-July-21st

2. **APPEAL:** **BOV00251**

APPLICANT: **Sigifredo Rossetto, Lucia Mackeigan, Liana Steele, and Lorenzo Rossetto**

LOCATION: **Legal Description:** LOT 2, DISTRICT LOT 38, WELLINGTON DISTRICT, PLAN VIP78934
Civic Address: 5795 Hammond Bay Road

PURPOSE: The applicant is requesting that the required side yard setback be reduced from 1.5 metres (4.92 feet) to 1.1 metres (3.61 feet) in order to construct a single family dwelling. This represents a variance of 0.4 metres (1.31 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 6.1.6.2- Yard Requirements
Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided"

3. **APPEAL:** **BOV00259**

APPLICANT: **John William Horn**

LOCATION: **Legal Description:** LOT 2, BLOCK 1, SECTION 5, WELLINGTON DISTRICT, PLAN 318
Civic Address: 4246 Victoria Avenue

PURPOSE: The applicant is requesting that the required front yard setback be reduced from 6 metres (19.96 feet) to 0 metres (0 feet) in order to allow for a structural alteration to a open deck which is non-conforming as to siting. This represents a variance of 6 metres (19.96 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 6.1.6.1- 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."

4. **APPEAL:** **BOV00260**
- APPLICANT:** **Sergio Osvaldo Zurita, Elba Palma Zurita and
 Adrianne Melanie Black.**
- LOCATION:** **Legal Description:** LOT 2, SECTION 1, NANAIMO
 DISTRICT, PLAN 12565
 Civic Address: 526 Sixth Street
- PURPOSE:** The applicant is requesting that the side yard setback be reduced from 1.5 metres (4.92 feet) to 0.7 metres (2.29 feet) for an existing accessory building. This represents a variance of 0.8 metres (2.62 feet).

ZONING REGULATIONS:

This property is included in the Single Family Residential Zone (Large Lot) - (RS-2A) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 6.2.6.2- Yard Requirements

Side yards of not less than 1.5 metres (4.92 feet) for each side yard shall be provided"

Attachments to each appeal include:

- application form
- certificate of title
- letter from applicant
- detailed plans
- list of properties notified

pc B.N. Mehaffey, General Manager, Development Services Department
 D. Lindsay, Manager, Planning Division, 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
 J. Carvalho, Planner, DSD

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

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