# BOARD OF VARIANCE MEETING TO BE HELD IN THE BOARD ROOM OF CITY HALL, THURSDAY, AUGUST 18<sup>th</sup>, 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 <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: 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"

5. APPEAL: BOV00261

APPLICANT: Heather Nicole Cooper

LOCATION: Legal Description: LOT B, SECTION 1, NANAIMO

DISTRICT, PLAN 3758

**Civic Address: 629 Wentworth Street** 

**PURPOSE:** The applicant is requesting that:

- 1. the required front yard setback be reduced from 10 metres (32.8 feet) to 4.1 metres (13.45 feet);
- and that the required sideyard setback be reduced from 1.5 metres (4.92 feet) to 0 metres (0 feet)

in order to allow for a structural alteration to a single family dwelling which is non-conforming as to siting. This represents a front yard variance of 5.9 metres (19.36 feet) and a side yard variance of 1.5 metres (4.92 feet).

## **ZONING REGULATIONS:**

This property is included in the Old City Infill Commercial Zone (C-19) and the appeal seeks to vary the following provisions of the "City of Nanaimo Zoning Bylaw 4000":

"Section 5.2.1.1- Location and Sitting of Buildings and Structures to Major Roads Principal or accessory buildings shall not be closer 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 Offical Community Plan, when the required dedication to achieve the required right-ofway width has not occurred to facilitate widening of the major road."

"Section 9.19.5.2- 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 <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 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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