



**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM AT 411 DUNSMUIR STREET
ON TUESDAY, 2016-SEP-15 COMMENCING AT 5:30PM**

PRESENT: Mr. Tyler Brown – Chair
Mr. Gerald (Gerry) Johnson
Mr. Richard Finnegan
Mr. Mark Dobbs

STAFF: Mr. David Stewart

ABSENT: Mr. Gordon Turgeon

1. CALL MEETING TO ORDER:

The regular meeting was called to order at 5:30 p.m.

2. ADOPTION OF MINUTES:

MOTION: It was moved and seconded that the Minutes of meeting of the Board of Variance held on Thursday, 2016-AUG-18 be adopted.

CARRIED
(Unanimous)

3. APPLICATIONS:

APPEAL NO: BOV685

Applicant: Ms. Tereza Bajan on behalf of 739429 BC Ltd.

Civic Address: 615 Prideaux Street

Legal Description: PARCEL A (DD 21958-N), LOTS 13 AND 14, BLOCK 18, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXPECT THAT PART SHOWN OUTLINED IN RED ON PLAN 782-R

Purpose: Zoning Bylaw No. 4500 requires a side yard setback of 1.5m and a front yard setback of 6m within the R15 zone. The applicant is requesting to vary the provisions of the City of Nanaimo "ZONING BYLAW NO. 4500" in order to lift a non-conforming single residential dwelling located 1.03m from the side property line and 3.67m from the front property line. This represents a side yard setback variance of 0.47m and a front yard setback variance of 2.33m.

- Zoning Regulations:** Old City Medium Density Residential – R15. The applicant is requesting a variance to Zoning Bylaw 4500:
Section 7.5.1 – Siting of Buildings
- A side yard setback of 1.5m is required
 - A front yard setback of 6m is required

Please Note: Steps and landings may project an additional 2m into the required front yard setback. The applicant is also seeking to relocate an outdoor stairway to be located 1.7m from the front property line. Where a variance to the original setback is approved, the projection is taken from the varied setback line and not the original zoning setback. If the requested front yard setback variance is approved, no further variance is required for the stairway.

Local Government Act: The property is considered legal-non-conforming as to siting; Section 529 of the Local Government Act, 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 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.”

The Board of Variance decision will apply to subsequent owners of the land. If you deem your property to be affected by this appeal, please feel free to attend this meeting. Anyone wishing to address this appeal will be afforded the opportunity to be heard at the Board of Variance meeting. This application may be reviewed with Staff at the Community Development offices at 411 Dunsmuir Street, Nanaimo, BC. Staff can be reached by calling 250-755-4429 (x4332), during normal business hours, Monday to Friday, excluding statutory holidays, from 2016-SEP-6 to 2016-SEP-15, inclusive.

Discussion: Ms. Tereza Bajan was in attendance for the appeal.

MOTION: It was moved and seconded that the requested variance be approved.

CARRIED
(Unanimous)

4. OTHER BUSINESS:

None.


5. ADJOURNMENT

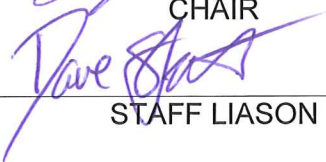
MOTION: It was moved and seconded that the meeting terminate at 5:40 p.m.

CARRIED

Next Scheduled Meeting – 2016-OCT-21

APPROVED BY:



CHAIR


STAFF LIASON

Oct 20 / 2016

Date
Oct 20 / 2016

Date

CERTIFIED CORRECT:



CORPORATE OFFICER

Date