

Local Government Act: The existing fence is considered legal non-conforming. Section 911 (9) and (10) 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 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.”

Discussion: Mr. Shane Norhaug and Ms. Kara Wiseman were in attendance for their appeal.

Mr. Peter Stewart – 56 Acacia Avenue – spoke in favour.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried.

APPEAL NO: **BOV675**

Applicant: Mr. Thomas Hoyt, on behalf of Harjit Singh Kahlon and Amanpreet Knur Kaholn

Civic Address: 4634 Sheridan Ridge Road

Legal Description: LOT 9, DISTRICT LOT 55, WELLINGTON DISTRICT, PLAN VIP84780

Purpose: Zoning Bylaw No. 4500 requires a side yard setback of 1.5m for a principal dwelling. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to permit a single residential dwelling 0.9m from the side yard property line, as shown on the attached survey. This represents a variance request of 0.6m.

Zoning Regulations: Steep Slope Residential – R10. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*“Section 7.5.1 – Yard Requirements
A side yard setback of 1.5m is required.”*

Local Government Act: The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

Discussion: Mr. Thomas Hoyt was in attendance for his appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried based on the survey provided.

4. **OTHER BUSINESS:**

None.

5. **ADJOURNMENT:**

It was moved and seconded at 5:38 p.m. that the meeting terminate. The motion carried.

APPROVED BY:



CHAIR

APRIL 21/2016
DATE

CONCURRENCE BY:



STAFF LIASON

CERTIFIED CORRECT:



CORPORATE OFFICER