



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON THURSDAY, 2015-NOVEMBER-19 AT 5:30PM IN THE BOARDROOM OF THE
SERVICE AND RESOURCE CENTRE, LOCATED AT 411 DUNSMUIR STREET, NANAIMO, BC**

- 1. CALL TO ORDER**
- 2. ADOPTION OF MINUTES: 2015-SEPT-17 BOV MEETING**
- 3. APPLICATIONS:**

APPEAL NO: BOV664

Applicant: Ms. Rachel Broadhead

Civic Address: 527 Milton Street

Legal Description: THE WESTERLY ½ OF SECTION A, LOT 8, BLOCK G, SECTION 1, NANAIMO DISTRICT, PLAN 584

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 1.8m in order to increase the height of an existing fence in the front yard. This represents a variance request of 0.6m.

Zoning Regulations: Old City Infill Service Commercial – DT11. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the DT11 zone"

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.

APPEAL NO: BOV665

Applicant: Ms. Kylea Gell

Civic Address: 940 Townsite Road

Legal Description: LOT 1, BLOCK 5, SECTION 1, DISTRICT LOT 96-G, NANAIMO DISTRICT, PLAN 2039

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 1.6m in order to construct a fence on a through-lot. This represents a variance request of 0.4m.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the R1 zone"

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.

APPEAL NO: **BOV666**

Applicant: Mr. Mike Pranke, on behalf of Mr. Wayne Krawchuk and Mrs. Brenda Krawchuk

Civic Address: 3574 Oakridge Drive

Legal Description: LOT 1, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN 28415

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 6m for garage doors and carport entrance ways facing a street on a single dwelling residence or duplex. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to enclose an existing legal non-conforming detached carport 2.4m from the front lot line. This represents a variance request of 3.6m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.3 – Siting of Buildings
All garage doors and carport entrance ways facing a street on a single residential dwelling or duplex must be setback at least 6m."*

Local Government Act: The existing carport 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."

APPEAL NO: BOV668

Applicant: Mr. Glen Davey

Civic Address: 610 Lambert Avenue

Legal Description: LOT 3, SECTION 1, NANAIMO DISTRICT, PLAN 10716

Purpose: Zoning Bylaw No. 4500 requires a flanking yard setback of 4m. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to repair the existing legal non-conforming garage 0m from the flanking side yard lot line. This represents a variance request of 4m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A flanking side yard setback of 4m is required."*

Local Government Act: The existing carport 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."

APPEAL NO: BOV669

Applicant: Ms. Cheryl L'Herault

Civic Address: 617 Brechin Road

Legal Description: LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 11467

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 2.0m in order reconstruct an existing legal non-conforming retaining wall. This represents a variance request of 0.8m.

Zoning Regulations: Single Family Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the R1 zone"

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.”

4. OTHER BUSINESS:

5. ADJOURNMENT