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**BOARD OF VARIANCE**

**NOTICE OF MEETING**

A meeting of the Board of Variance will be held on Thursday, 2012-NOV-15 at 5:30pm in the Boardroom, City Hall, 455 Wallace Street, Nanaimo, BC to hear the following appeal:

**APPEAL NO.: BOV610**

**Applicant:** Ms. Katherine Waller

**Civic address:** 619 Fourth Street

**Legal Description:** LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 7554

**Purpose:** The applicant is requesting to increase the allowable projection of stairs, landings and a front porch into the front yard setback from 2m to 3.07m, as shown on the attached survey, in order to permit the replacement of stairs in the front yard setback area.

**Please Note:** The front yard setback requirement is 4.5m, plus an additional 2.5m (for a total 7m), as the property abuts a major road and dedication has not been taken; however, stairs and front porches are permitted a 2m projection within the front yard setback area. Thus, the variance request is 3.07m.

**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 A front yard setback of 4.5m is required.*

*Section 7.5.4 Notwithstanding 7.5.1, where a property abuts a major road, an additional 2.5m front yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.*

*Section 6.5.1 Projections into Yards*

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| --- | --- | --- | --- | --- |
| **Feature** | **Permitted Projection into Required Yard Setback** | | | |
| **Front** | **Side** | **Flanking Side** | **Rear** |
| Steps and Landings | 2m | --- | 2m | 2m |
| Front Porch | 2m | --- | --- | --- |

**Local Government Act:** 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.”

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 Safety & Development offices, 238 Franklyn Street, Nanaimo, BC, or by calling 250-755-4429 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2012-NOV-06 to 2012-NOV-15, inclusive.