



BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Tuesday, 2014-MAY-13 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV00644

Applicant: Mr. Bil Derby (Tectonica Management Inc.) on behalf of Vadols Investments Ltd. (BC232539) and Mr. John Kaye.

Civic Address: 1588 Boundary Crescent

Legal Description: LOTS 1 & 2, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 27521 (PID 000-413-119 & PID 000-413-143)

Purpose: Zoning Bylaw No. 4500 requires a side yard setback of 3m. The applicant is requesting to legalize an existing, non-conforming siting of the commercial building. The building crosses a shared property line and the applicant is requesting to vary the side yard(s) between the two subject properties to 0m, as noted on the attached survey.

Zoning Regulations: Hospital Urban Centre – CC5. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 10.5.1– Yard Requirement
A side yard setback of 3m is required."*

Local Government Act: The existing commercial building 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."

Note: The walkway is existing non-conforming in regards to the side yard setback. The proposed structural alteration will result in a further increase to the non-conforming area; as such a variance is required.

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, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4429 (x4332), during normal business hours Monday to Friday, excluding statutory holidays, from 2014-MAY-01 to 2014-MAY-13, inclusive.