



## BOARD OF VARIANCE

### NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2015-FEB-19 at 5:30pm in the Boardroom, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

- APPEAL NO:** BOV00653
- Applicant:** Mr. Ken Connolly of Pheasant Hill Homes on behalf of Mr. Andre Sullivan
- Civic Address:** 106 Pine Street
- Legal Description:** Section A, of Lot 2, Block S, Section 1, Nanaimo District, Plan 584 (PID 008-844-682)
- 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 legalize the siting of the existing dwelling 0.35m from the side yard property line to permit increasing the basement ceiling height below grade. This represents a variance request of 1.15m.
- Zoning Regulations:** Single Dwelling Residential – R1b. 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 existing single family dwelling 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."*

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 2015-FEB-10 to 2015-FEB-19, inclusive.



BOARD OF VARIANCE APPLICATION BOV00653

**LOCATION MAP**

**CIVIC:** 106 PINE STREET

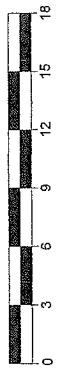
**LEGAL:** SECTION A, OF LOT 2, BLOCK S, SECTION 1,  
NANAIMO DISTRICT, PLAN 584

RECEIVED

B.C. LAND SURVEYOR'S CERTIFICATE OF PROPOSED LOCATION ON:

SECTION A, OF LOT 2, BLOCK S, SECTION 1, NANAIMO DISTRICT, PLAN 584.

Scale 1:300



ALL DISTANCES AND ELEVATIONS ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

CIVIC ADDRESS: 106 PINE STREET

PID: 008-644-682

ELEVATION DATUM IS DERIVED FROM OBSERVATION TO GEODETIC CONTROL MONUMENT 77HS116 MONUMENT ELEVATION = 53.791

FG 53.0 DENOTES TYPICAL SPOT ELEVATION OF PROPOSED FINISHED GRADE (FG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

NG 53.0 DENOTES TYPICAL SPOT ELEVATION OF NATURAL GRADE (NG) IN CONFORMANCE WITH THE CITY OF NANAIMO ZONING BYLAW.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENTS(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S). THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd. © 2015 1825 LATIMER ROAD NANAIMO BC V9S 5H2 PHONE: 250-759-4180

DRAWING: 14045-HS-PRELIM.DWG LAYOUT: 1

FEB 02 2015

Boyle

CITY OF NANAIMO PLANNING & DESIGN

AMD PCL B SEC B & C

LOT 2 BLK S

PLAN 584

NEIGHBOUR'S HOUSE

ENCROACHMENT

EAVE

0.26

NS=53.5 FG=53.5

STAIRS

0.35

3.4

PORCH

0.70

EAVES CLEAR BY 0.1

NS=53.0 FG=53.0

48.46

SRW PLAN VIP75236

COVER ELEV=52.52

22.8

SEWER CONNECTION INVERT ELEV = 51.51

0.16

NS=52.9 FG=52.9

DECK ELEV = 55.23

STAIRS

5.2

NS=53.0 FG=53.0

DECK

10.8

NS=53.1 FG=53.1

9.4

SHED

11.1

MAXIMUM HOUSE HEIGHT CALCULATION	
MEAN FG	53.07
MEAN NG	53.07
MAXIMUM HEIGHT PER BYLAW	9.00
MAXIMUM ROOF PEAK	62.07
EXISTING DECK ELEV	55.23
APPROX. HEIGHT TO PEAK	7.18
EXISTING ROOF PEAK	62.41



LANE

SEC A OF LOT 2 BLK S PLAN 584

N 44' SEC A - LOT 1 BLK S - PLAN 584

PINE STREET

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN ACCORDANCE WITH THE MANUAL OF STANDARD PRACTICE AND IS CERTIFIED CORRECT THIS DATE OF : JANUARY 30, 2015.

Signature of André McNicoll, B.C.L.S. ANDRÉ MCNICOLL THIS DOCUMENT IS INVALID UNLESS SIGNED AND SEALED.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO: CA1447423.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.