



COMMUNITY SAFETY & DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2016-MAY-19 at 5:30pm in the Boardroom of the Service and Resource Centre located at 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

APPEAL NO: BOV681

Applicant: Mr. Paul Gillespie (Boehem Construction) on behalf of Diana Musgreave

Civic Address: 3820 Sundown Drive

Legal Description: LOT 5, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN 31821

Purpose: Zoning Bylaw No. 4500 requires a front yard setback of 2.5m for a front porch and 6m for all garages and carports entranceways facing a street within the Single Dwelling Residential Zone. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to permit construction of a covered entryway 1.38m from the front yard property line and the enclosure of an existing legal non-conforming carport located 3.74m from the front property line. This represents a variance of 1.12m for the covered entranceway and 2.26m

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

Section 6.5.1 – Projections Into Yards

A front porch may project up to 2m into the required front yard setback.

Section 7.5.1 – Yard Requirements

A front yard setback of 4.5m is required.

Section 7.5.3 – Yard Requirements

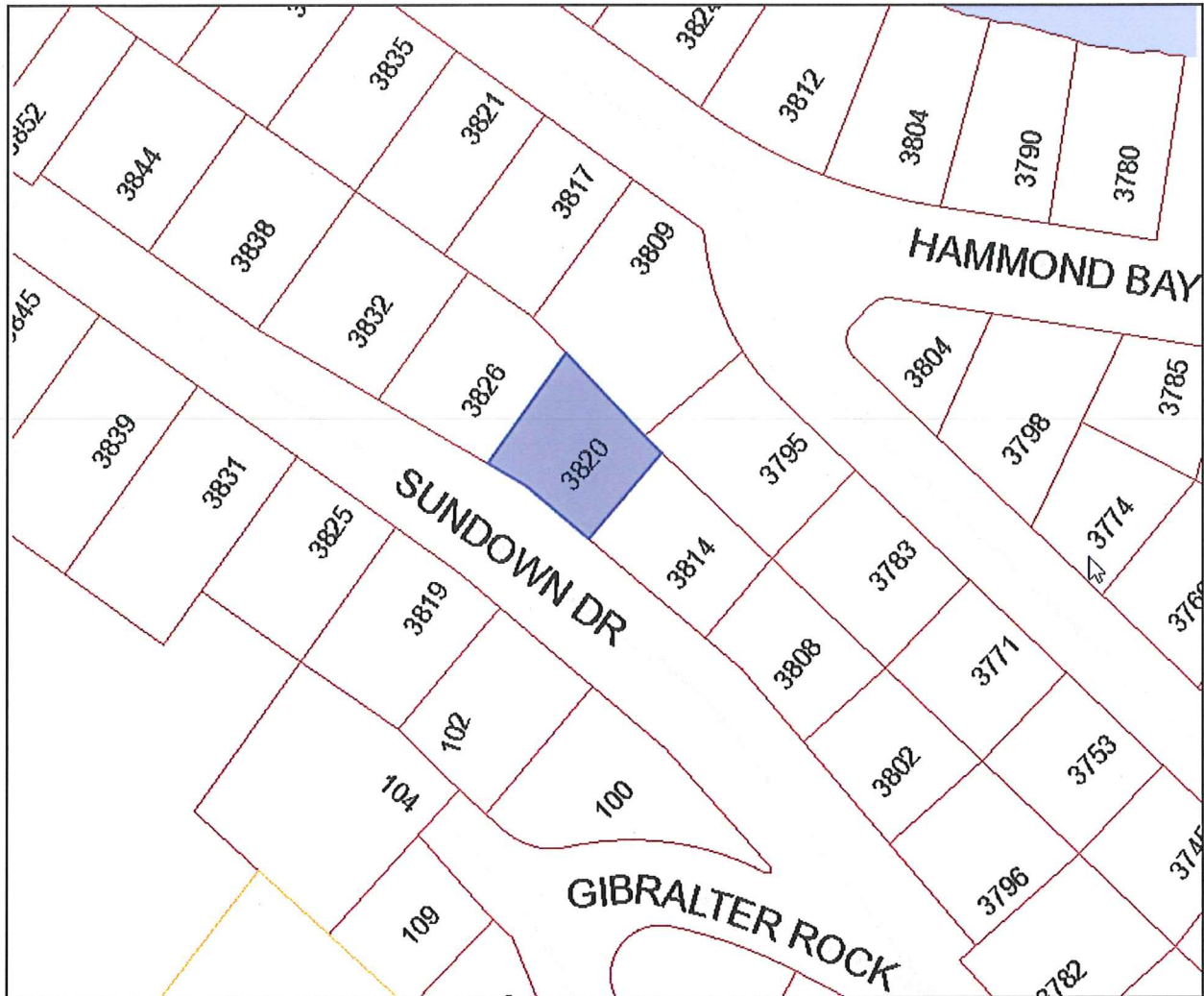
Notwithstanding Section 7.5.1, all garages and carports facing a street on a single residential dwelling or duplex must be setback at least 6m."

Local Government Act:

The property is considered legal- non-conforming as to siting; Section 529 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 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 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2016-MAY-09 to 2016-MAY-19, inclusive.



BOARD OF VARIANCE APPLICATION NO. BOV00681

LOCATION MAP

CIVIC: 3820 SUNDOWN DRIVE

LEGAL: LOT 5, DISTRICT LOT 39, WELLINGTON DISTRICT,
PLAN 31821

