



COMMUNITY DEVELOPMENT DEPARTMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, 2016-JUL-21 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: BOV683

Applicant: Mr. Jeff Boehm (Boehm Construction Ltd) 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 6m for all garage doors and carport entrance ways facing a street on a single residential dwelling or duplex. The applicant is requesting to vary provisions of Zoning Bylaw No. 4500 in order to add a 0.3m addition to expand and enclose an existing legal non-conforming carport located 3.4m from the front property line. This represents a variance of 2.6m.

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 – Yard Requirements

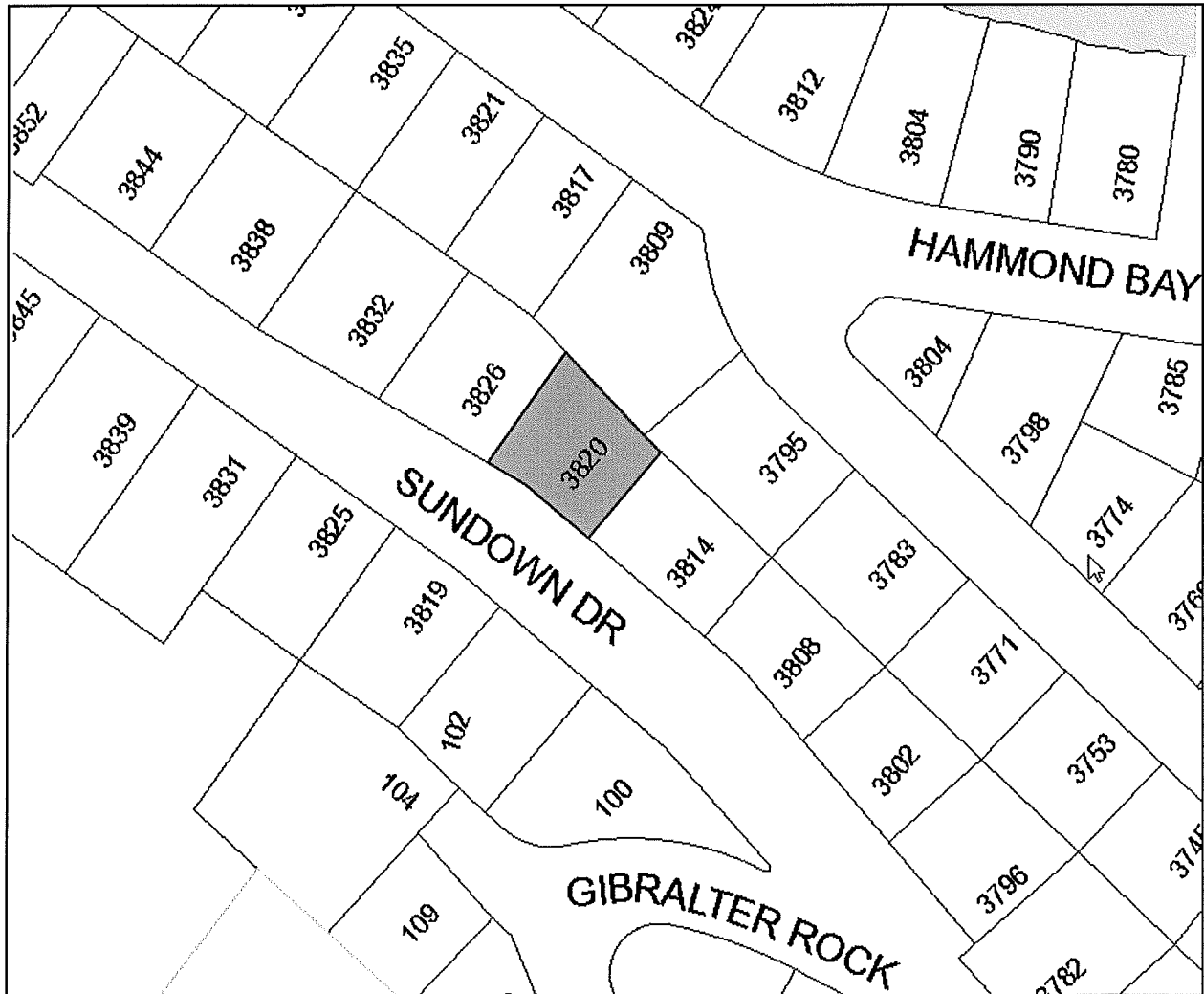
Notwithstanding Section 7.5.1, all garages and carports facing a street on a single residential dwelling or duplex must be setback at least 6m."

Please Note: A previous variance was granted (BOV000681) by the Board of Variance on 2016-MAY-19 which permitted 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.

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 250-755-4473, during normal business hours, Monday to Friday, excluding statutory holidays, from 2016-JUL-11 to 2016-JUL-21, inclusive.



BOARD OF VARIANCE APPLICATION NO. BOV00683

LOCATION MAP

CIVIC: 3820 SUNDOWN DRIVE

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