



DEVELOPMENT VARIANCE PERMIT NO. DVP00260

**MARK A BROOKS
TINA-MARIE BROOKS**
Name of Owner(s) of Land (Permittee)

Civic Address: 70 KENNEDY STREET

1. This development variance permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied by this permit.
2. This permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

PID No. 008-843-317

**THE SOUTHERLY 66 FEET OF SECTION B OF LOT 1, BLOCK M,
SECTION 1, NANAIMO DISTRICT, PLAN 584**

PID No. 008-843-287

**THE SOUTHERLY 66 FEET OF SECTION A OF LOT 1 BLOCK M
SECTION 1, NANAIMO DISTRICT, PLAN 584**

3. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby varied as follows:
 - *Minimum Building Setback*
Section 7.5.1 of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires Single Dwelling Residential (R1b) lots to have a minimum building setback to the rear yard of 7.5m. The applicant proposes to vary the minimum building setback to the rear yard to 0.74m, a variance of 6.76m.

4. The permittee, as a condition of the issuance of this permit, shall develop the land described herein strictly in accordance with the following terms and conditions and provisions and in accordance with any plans and specifications attached hereto which shall form a part thereof.

Schedule A Location Plan

Schedule B Site Plan

Schedule C Letter of Rationale

5. If the permittee does not substantially commence the construction permitted by this permit within two years of the date of this permit, this permit shall lapse.
6. This permit prevails over the provisions of the bylaw in the event of conflict.
7. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE 20TH DAY OF JULY, 2015.



Corporate Officer

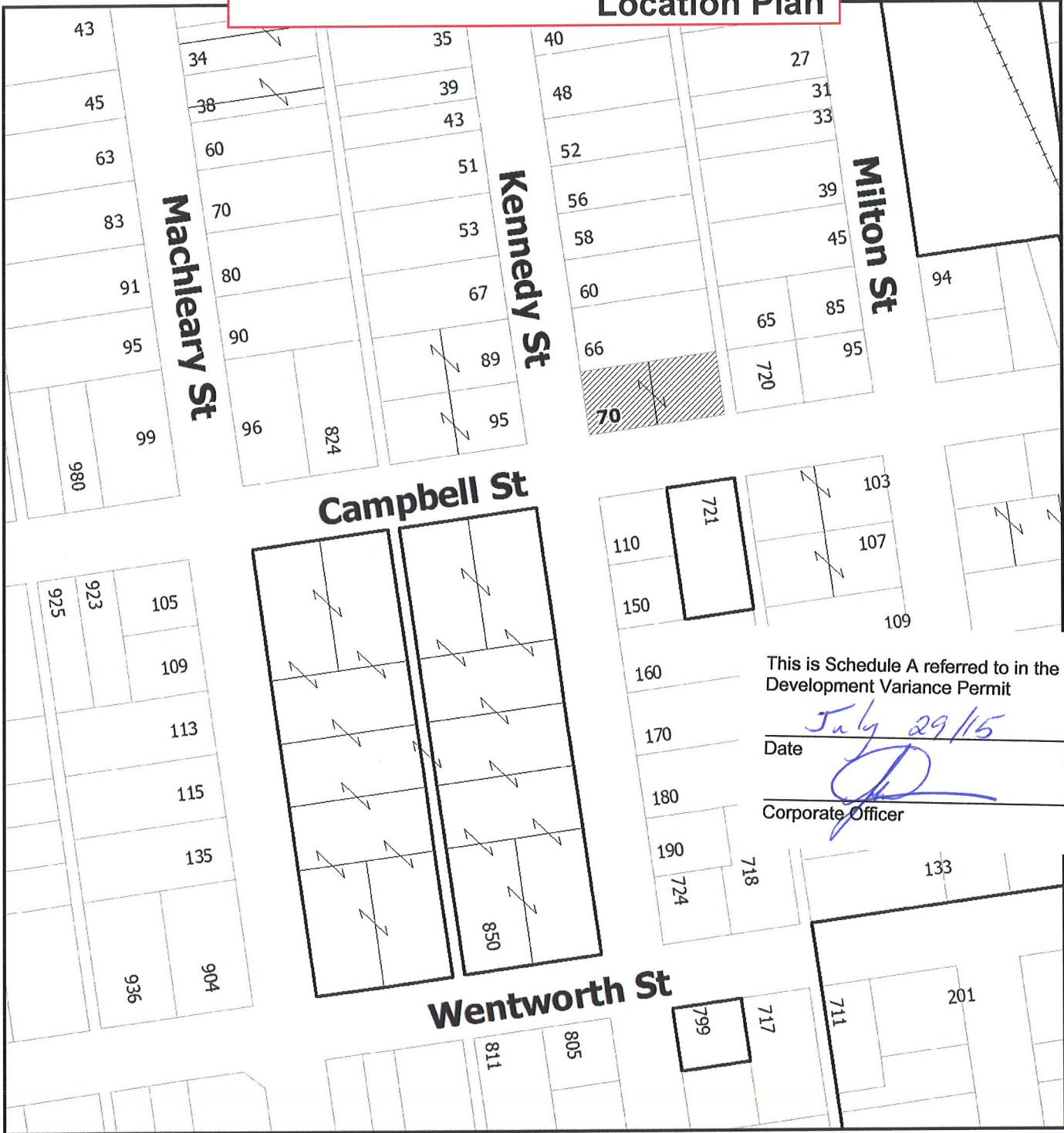
July 29/15

Date

GN/in

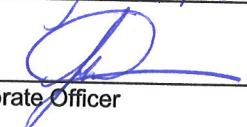
Prospero attachment: DVP00260

Location Plan



This is Schedule A referred to in the
Development Variance Permit

Date July 29/15

Corporate Officer 



DEVELOPMENT VARIANCE PERMIT NO. DVP00260

LOCATION PLAN

Civic: 70 Kennedy Street
The Southerly 66 feet of Section A and B of
Lot 1, Block M, Section 1, Nanaimo District,
Plan 584

 **Subject
Property**

Development Variance Permit DVP00260
70 Kennedy Street

Schedule B
Site Plan

This is Schedule B referred to in the
Development Variance Permit

Date

July 29/15
[Signature]
Corporate Officer

PROPOSED PLAN OF BOUNDARY ADJUSTMENT OF:

**THE SOUTHERLY 66' OF SECTIONS A AND B, BOTH OF LOT 1, BLOCK M,
SECTION 1, NANAIMO DISTRICT, PLAN 584**

Scale 1:250



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

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS AND FIELD SURVEY.

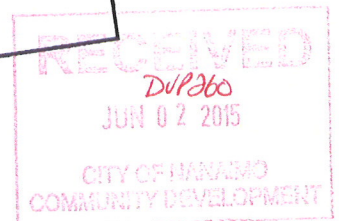
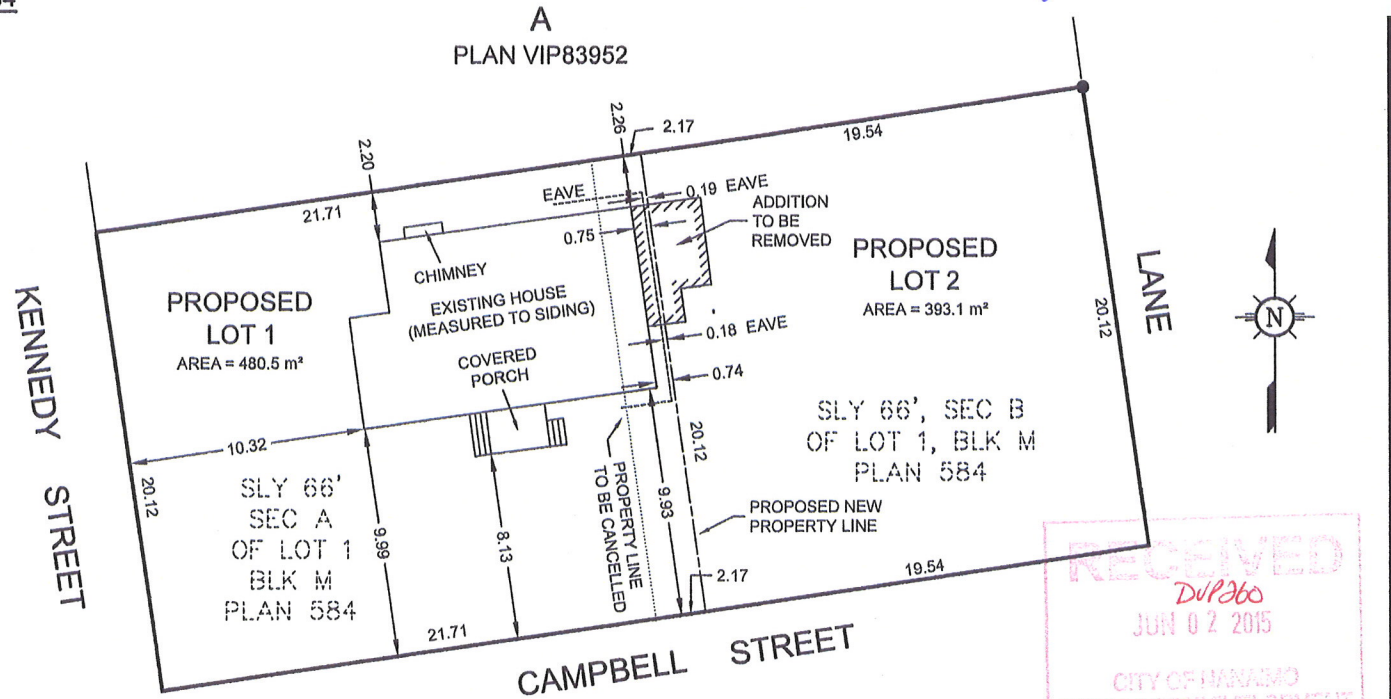
CIVIC ADDRESS: 70 KENNEDY STREET, NANAIMO.

PIDS: 008-843-317 AND 008-843-287

LEGEND:

● DENOTES LEGAL POST FOUND.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(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.
1825 LATIMER ROAD © 2015
NANAIMO BC V9S 5H2
PHONE: 250-758-4180

DRAWING: 15034-PROPOSED-PL-ADJUSTMENT.DWG
LAYOUT: 1

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLES NO: CA3559895 AND CA3559896.

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

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 PLAN IS CORRECT THIS DATE OF : MAY 28, 2015

[Signature]
ANDRÉ MCNICOLL B.C.L.S.
THIS DOCUMENT IS INVALID UNLESS SIGNED AND SEALED.

Variance Rationale

DEVELOPMENT VARIANCE RATIONALE

70 Kennedy Street, Nanaimo, BC

Development Permit Area 9

The Southerly 66 feet of Section A of Lot 1, Block M, Section 1,
Nanaimo District Plan 584

Related Property: The Southerly 66 feet of Section B of Lot 1, Block M, Section 1,
Nanaimo District Plan 584

Background:

Section A & B of Lot 1 located at 70 Kennedy Street are two separate lots with two separate PIDs. The existing house on Section A is encroaching onto Section B.

The subject property Section A is facing two streets (Kennedy Street & Campbell Street), as is the adjacent property Section B (Campbell Street & Lane)

Both properties currently have the same owner.

Purpose:

To have the residence on Section A be contained within the boundaries of the property parcel.

The required rear setback is 7.5 meters. The applicant is requesting to reduce the setback to 0.18 meters in order to legalize the siting of the existing single family residential dwelling.

Zoning regulations:

Nanaimo Zoning Bylaw 4500 - Single Family Residential (R1B). Section 7.5.1 Siting of Buildings – a rear yard of 7.5m must be provided.

Concept:

To remove the building 'addition' constructed on the existing residence (under a separate, future Building Permit Application) and adjust the boundary for Section A to the East so that the entire residence is located within Section A boundaries.

Rationale:

Comparables – Within the City Center neighbourhood, it is not uncommon to see residential buildings build in the first half of the 20th century that do not meet the rear yard setback prescribed in Bylaw 4500, some of which have been provided a variance.

Improvement - This request for variance will improve the condition of the subject property, and will meet BC Building Code. It does not currently meet Code at the rear property line.

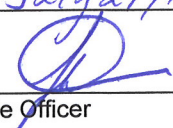
The condition on the adjacent Section B property is significantly improved with the encroachment from Section A removed.

This is Schedule C referred to in the
Development Variance Permit

Date

Corporate Officer

July 29/15



Variance meets BC Building Code Requirements - 9.10.15 Spatial Separation Between Houses, provides for a limiting distance of 'zero' in an unsprinklered residential building (9.10.15.3), if:

- 9.10.15.4 Maximum Area of Glazed Openings in exterior wall equals zero (provided)
- 9.10.15.5 Construction of exposing building face is 45 minutes Fire Resistance Rating (provided)
- 9.10.15.5 Cladding of the exposed building face is non-combustible construction installed in accordance with Section 9.27 (provided)

In keeping with OCP - This variance request supports the intent of DPA9 guidelines with respect to the City Center neighbourhood and will encourage development and infill of the Section B property which is consistent with the guideline.

Local Government Act - Section 911(9) and (10) of the Local Government Act states "If the use and density of the 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 of the repair, extension or alteration was started."