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**BOARD OF VARIANCE**

**NOTICE OF MEETING**

A meeting of the Board of Variance will be held on Thursday, 2015-SEPTEMBER-17 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: BOV663**

**Applicant:** Mr. Ken Connolly of Pheasant Hill Homes Ltd, 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

**Purpose:** The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to permit the placement of a heat pump in a side yard of a single residential dwelling. Zoning Bylaw No. 4500 requires heat pumps be located to the rear of the dwelling and have a setback of 4.5m from the side parcel line. The heat pump is proposed to be located to the side of the existing dwelling and approximately 8.54m from the side parcel line. This represents a variance request to permit a heat pump to the side of an existing dwelling.

**NOTE**: BOV653 Approved 19-FEB-2015

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 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 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 6.5.2 – Projections into Yards*

*Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units must be located to the rear of a principal building and shall not be closer than 4.5m from the side lot lines or closer than 3m from the rear property line”*

**Local Government Act:** The property is considered legal-conforming and, as such; Local Government Act, Section 911 - Non-conforming Uses and Siting, does not apply.

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 Safety & 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 2015-SEPTEMBER-04 to 2015-SEPTEMBER-17.