

the nearest houses. A letter was received from the neighbour at 5119 Laguna Way expressing no concern with the proposed variance.

- The Board discussed the requested variance and demonstration of undue hardship.

It was moved and seconded that application BOV713 for 5109 Laguna Way to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” to allow a heat pump to be located to the side of a principal building be approved. The motion carried unanimously.

b. Board of Variance Application No. BOV714 – 200 Rainbow Crescent

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to increase perimeter wall height from 9.14m to 12.50m on the rear and east internal side yard elevations in order to construct a new single residential dwelling.
- Mr. Caleb Horn outlined the definition of ‘perimeter wall height’ and how it differs from wall face height and building height.
- Ms. Emily Bugoy and Mr. Jason Bugoy, the applicants, spoke to the rationale for the application. The subject property is steeply sloping and would not accommodate a house without a perimeter wall height variance. Being located in the Long Lake Heights strata, the Strata Council has approved the proposed building design.
- Mr. Steve Sharp from 220 Rainbow Crescent requested information on the requested variance and maximum allowable building height.
 - Mr. Caleb Horn explained that a Board of Variance decision applies to the property and subsequent owners of the land. The maximum height of a principal dwelling is 5.5m as measured from curb level of the highest street abutting the property, and the proposed structure is within this height.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV714 for 200 Rainbow Crescent to vary the provisions of the City of Nanaimo “ZONING BYLAW NO. 4500” to increase the perimeter wall height from 9.14m to 12.50m on the rear and east internal side yard elevations be approved. The motion carried unanimously.

c. Board of Variance Application No. BOV715 – 3072 Hammond Bay Road

- Mr. Bob Irwin read the application requesting to vary the provisions of Zoning Bylaw No. 4500 to allow a 4.4m high retaining wall and a 1.2m high fence with a total combined height of 5.6m in the front yard in order to replace a collapse retaining wall.
- Mr. Tim Magnus, the applicant, and Mr. Steve Stacey, the geotechnical engineer, spoke to the rationale for the application. An existing non-conforming retaining wall recently collapsed and is currently hindering access to the single residential dwelling on the property.
- Ms. Tracy Mao and Mr. Jim Mao from 3062 Hammond Bay Road raised concerns with jackhammering associated with replacing the retaining wall.
 - Mr. Steve Stacey explained that no jackhammering is anticipated except for potentially along the east side of the property, furthest from 3062 Hammond Bay Road.

- Mr. and Ms. Mao expressed no concerns with the proposed construction.
- The Board discussed the requested variance and the demonstration of undue hardship.

It was moved and seconded that application BOV715 for 3072 Hammond Bay Road to vary the provisions of the City of Nanaimo "ZONING BYLAW NO. 4500" to increase the maximum height of a retaining wall and fence in the front yard from 1.2m to 5.6m be approved. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 6:00 p.m. that the meeting terminate. The motion carried unanimously.



CHAIR

CERTIFIED CORRECT:


CORPORATE OFFICER