



AGENDA  
BOARD OF VARIANCE MEETING

April 3, 2025, 4:00 PM  
Boardroom, Service and Resource Centre  
411 Dunsmuir Street, Nanaimo, BC

Pages

1. CALL THE MEETING OF THE BOARD OF VARIANCE TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. ADOPTION OF AGENDA:

4. ADOPTION OF MINUTES:

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Minutes of the Board of Variance Meeting held in the Boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2025-MAR-06 at 4:00 p.m.

5. PRESENTATIONS:

a. **Board of Variance Application No. BOV00785 - 3524 Wiltshire Drive**

6 - 16

Section 6.6.5 of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" sets out a maximum building height for an accessory building.

The applicant requests to increase the maximum permitted height for an accessory building with a roof pitch of less than 6:12 from 4.5m to 7.01m to allow the construction of an accessory building. This is a variance request of 2.51m.

6. REPORTS:

7. OTHER BUSINESS:

8. QUESTION PERIOD:

9. ADJOURNMENT:



## **MINUTES**

### **BOARD OF VARIANCE MEETING**

Thursday, March 6, 2025, 4:00 P.M.  
Boardroom, Service and Resource Centre,  
411 Dunsmuir Street, Nanaimo, BC

Present: Nelson Allen, Chair  
Michael Bassili, At Large  
Jaime Dubyna, At Large  
Kyle Wickland, At Large

Absent: Brian Anderson, At Large

Staff: L. Rowett, Manager, Current Planning  
K. Dafoe, Planning Assistant, Current Planning  
K. Mayes, Planner, Current Planning  
A. Bullen, Recording Secretary

**1. CALL THE MEETING OF THE BOARD OF VARIANCE TO ORDER:**

The Chair called the meeting of the Board of Variance to order at 4:00 p.m.

**2. ADOPTION OF AGENDA:**

It was moved and seconded that the agenda, be adopted. The motion carried unanimously.

**3. ADOPTION OF MINUTES:**

It was moved and seconded that the Minutes of the Board of Variance Meeting held in the Boardroom of the Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2024-NOV-07 at 4:00 p.m. be adopted. The motion carried unanimously.

**4. PRESENTATIONS:**

**a. Board of Variance Application No. BOV00783 – 455 Watfield Avenue**

Introduced by Nelson Allen, Chair.

Gordon Thomas, Owner, spoke regarding Board of Variance Application No. BOV00783 – 455 Watfield Avenue. Highlights included:

- The property is a narrow lot measuring 12.57m in width, with two 4m setbacks on either side
- Due to these setbacks, there are limited options for development on the property
- Claimed that the property cannot accommodate a carriage house

Nelson Allen, Chair, opened the floor for discussion. Highlights included:

- Clarification was provided regarding the location of the 4m setbacks
- Discussion of the potential size of the house if the setbacks were not in place
- Staff provided a zoning history for the property and clarified that the lot is approximately 505m<sup>2</sup> in size
- Comments regarding the unusual shape of the lot and its zoning

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00783 at 455 Watfield Avenue due to the physical site characteristics. The motion carried.

It was moved and seconded that the Board of Variance approve application BOV00783 at 455 Watfield Avenue to reduce the minimum north side yard setback from 4.0m to 1.55m to allow the construction of a single residential dwelling. The motion carried.

**b. Board of Variance Application No. BOV00784 – 1018 Shelby Ann Avenue**

Introduced by Nelson Allen, Chair.

Bryce and Kathleen Smith, Owners, spoke regarding Board of Variance Application No. BOV00784 – 1018 Shelby Ann Avenue. Highlights included:

- The proposal is to convert an existing workshop/garage into an authorized suite
- Clarification that no vehicles are currently parked on the street

- Prior to purchasing the property, the owners verified that the driveway could accommodate enough vehicles for a suite in an accessory building in addition to the existing secondary suite within the principal dwelling
- The house currently has four bedrooms and three bathrooms
- Full commitment was expressed to ensure all necessary fire barriers are in place
- The proposed deck will overlook a community garden and will not impact the privacy of neighboring properties

Nelson Allen, Chair, opened the floor to the public.

Barry Morton, 529 Grewal Place, expressed concerns regarding off-street parking and speeding along Shelby Ann Avenue and stated they were not opposed to the application.

Nelson Allen, Chair, opened the floor for discussion. Highlights included:

- Staff clarified the current Zoning Bylaw regulations regarding the allowance of secondary suites
- Keene Anderson, Applicant, Greenplan, explained that the location of an internal staircase prevents the building from being reduced in size
- Staff clarified the applicant is working with an engineer to design a fire suppression sprinkler system and noted that changes to the principal dwelling may be required during the building permit stage based on feedback from the City's Building and Engineering Departments

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV00784 at 1018 Shelby Ann Avenue due to the physical site characteristics. The motion carried.

Opposed: *Jaime Dubyna*

It was moved and seconded that the Board of Variance approve application BOV00784 at 1018 Shelby Ann Avenue to reduce the minimum separation distance from 3.0m to 1.39m to allow the conversion of an existing accessory building (garage) to an accessory building containing a secondary suite. The motion carried.

Opposed: *Jaime Dubyna*

**5. OTHER BUSINESS:**

Staff announced that Kristine Mayes, Planner, will temporarily step in for Kirsten Dafoe, Planning Assistant, until her position is filled.

**6. ADJOURNMENT:**

It was moved and seconded at 4:52 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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RECORDING SECRETARY



PLANNING & DEVELOPMENT

## BOARD OF VARIANCE

### NOTICE OF MEETING

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A meeting of the Board of Variance will be held on Thursday, April 3<sup>rd</sup>, 2025, at 4:00 p.m. in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC to hear the following appeal:

**APPEAL NO:** **BOV00785**

**Applicant:** Mark Elvin, Climate Landscaping Ltd.

**Civic Address:** 3524 Wiltshire Drive

**Legal Description:** LOT 26, DISTRICT LOT 29, WELLINGTON DISTRICT, PLAN 36479

**Zoning:** Three and Four Unit Residential (R5)

**Requested Variance:** Section 6.6.5 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” sets out a maximum building height for an accessory building.

The applicant requests to increase the maximum permitted height for an accessory building with a roof pitch of less than 6:12 from 4.5m to 7.01m to allow the construction of an accessory building. This is a variance request of 2.51m.

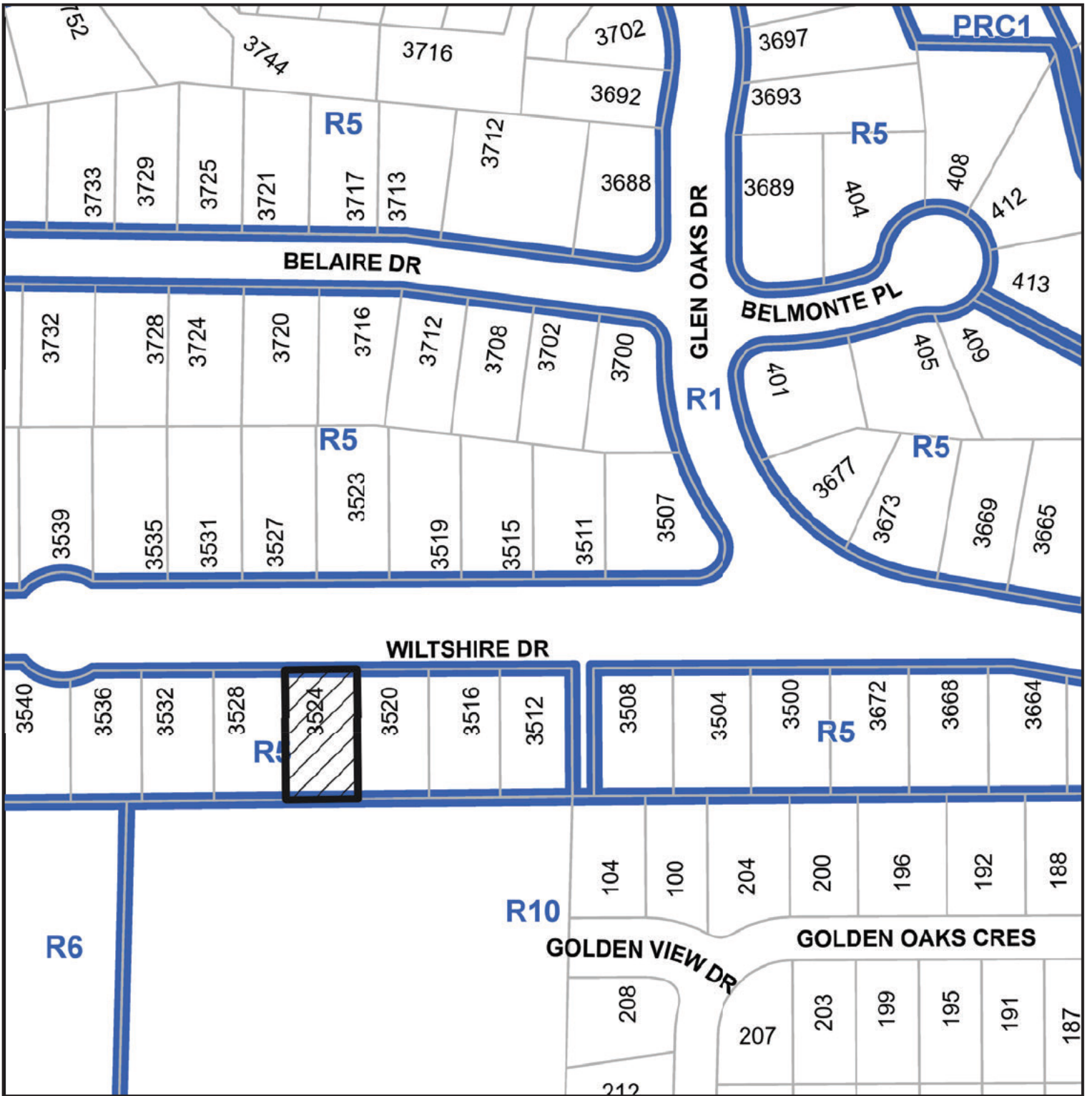
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property is affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting. Members of the public may submit comments in writing or attend the meeting in-person.


For questions, please contact Kristine Mayes, Planner by email at [Kristine.Mayes@nanaimo.ca](mailto:Kristine.Mayes@nanaimo.ca), or by phone at 250-755-4460 ext. 4355.

**WRITTEN SUBMISSION:** Written comments must be submitted by email to above address no later than 2:30 p.m. April 3<sup>rd</sup>, 2025.

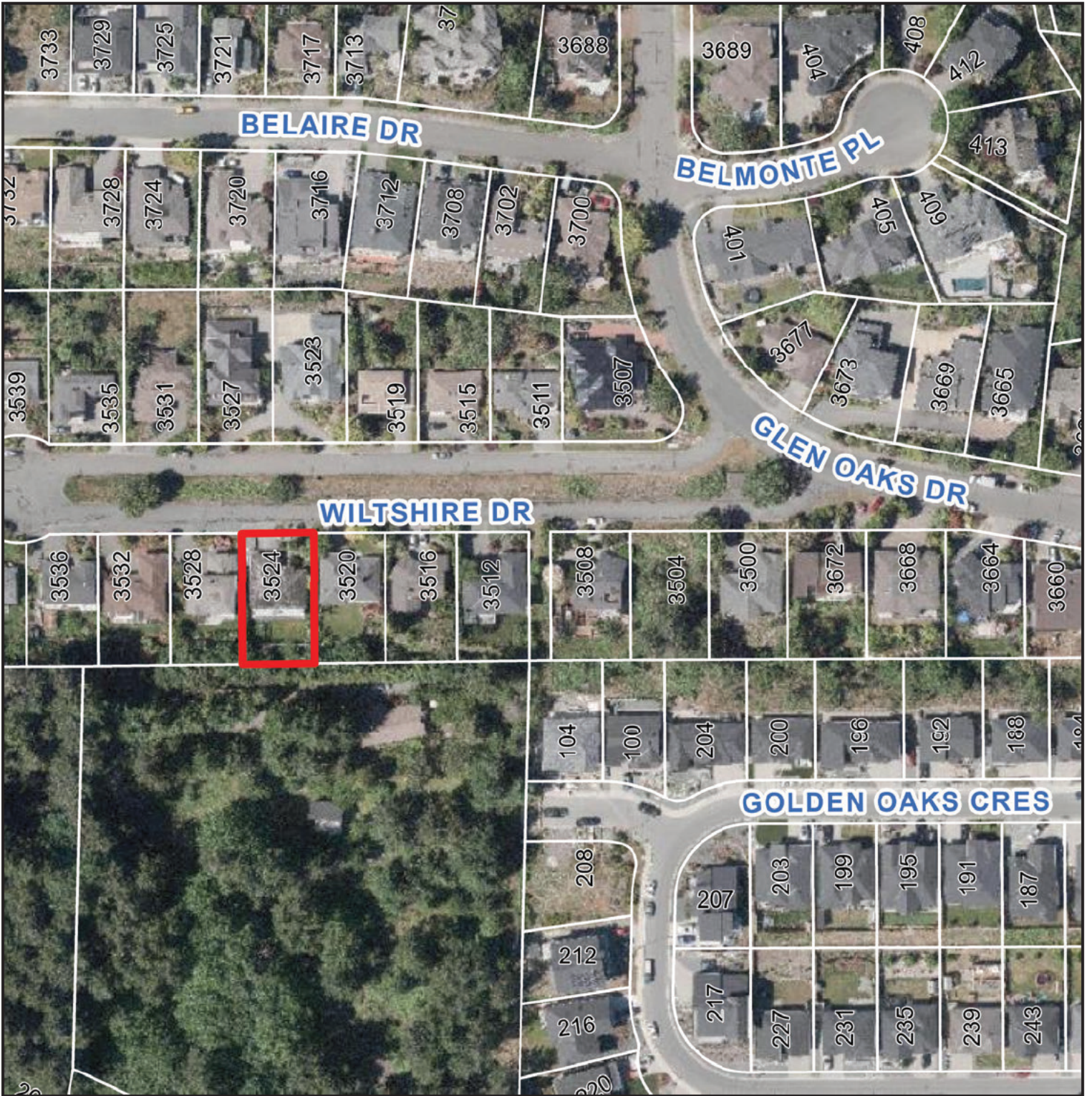
**ATTEND IN-PERSON:** To address this appeal in person you must attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, April 3<sup>rd</sup>, 2025, at 4:00 p.m.

# SUBJECT PROPERTY MAP



 3524 WILTSHIRE DRIVE

# AERIAL PHOTO



 3524 WILTSHIRE DRIVE

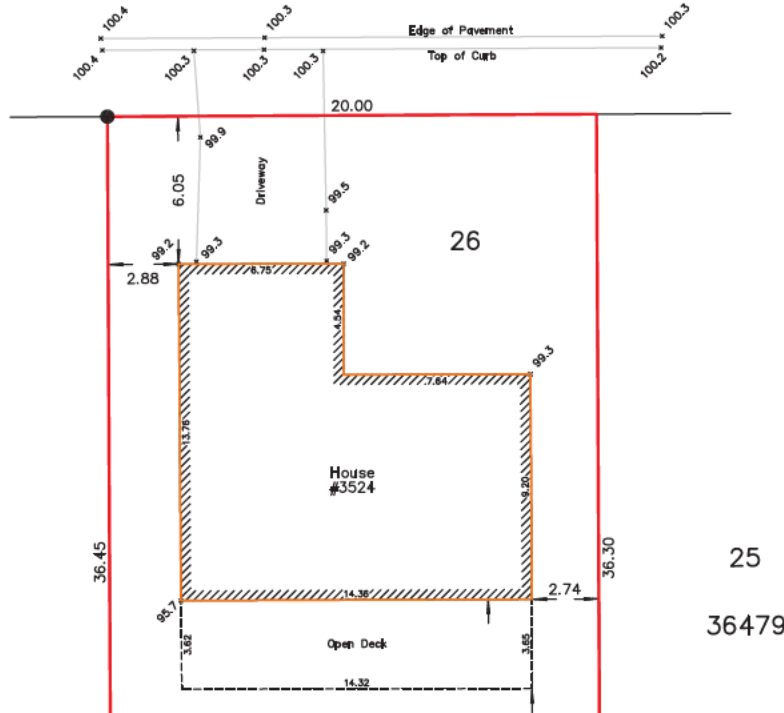


SITE PLAN SHOWING:  
 LOT 26, DISTRICT LOT 29,  
 WELLINGTON DISTRICT, PLAN 36479.

CLIENT: A SHELL IN THE PIT AUDIO INC.  
 CIVIC ADDRESS: 3524 WILTSHIRE DRIVE, NANAIMO  
 FILE: 16-129-26 SCALE: 1:200 DRAWN BY: DRW PROPERTY ZONING: R5



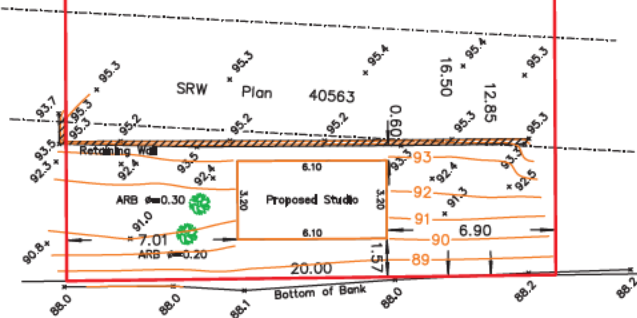
Wiltshire Drive



27  
Plan

25  
36479

SITE DATA	
ZONING	R5
PARCEL SIZE (m <sup>2</sup> )	727.5
BUILDING HEIGHT CALCULATION	
AVERAGE NATURAL GRADE	91.54
AVERAGE FINISHED GRADE	91.54
MAXIMUM BUILDING HEIGHT	4.5
MAXIMUM ROOF PEAK ELEVATION	96.04
PROPOSED STUDIO ELEVATIONS	
PROPOSED MAIN FLOOR ELEVATION	95.34
PROPOSED ROOF PEAK ELEVATION	98.55
PROPOSED BUILDING HEIGHT	7.01



3  
Plan 8407

Legend

- x100.0 Denotes Spot Elevation
- Denotes Standard Iron Post Found
- 🌳 Denotes Coniferous Tree
- ∅ Denotes Tree Trunk Diameter

NOTE:  
 THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:  
 M76300, K83558, K84741, L29806.  
 THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.

THIS SITE PLAN SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIMS ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE SITE PLAN BEYOND ITS INTENDED USE.

Turner & Associates  
 land surveying™

250.753.9778  
 435 TERMINAL AVENUE NORTH  
 NANAIMO, BC V9S 4J8  
 www.turnersurveys.ca



SCALE 1:200  
 DISTANCES AND ELEVATIONS ARE IN METRES.  
 GEODETIC ELEVATIONS ARE DERIVED FROM CONTROL MONUMENT 79H9263 (CGVD28BC DATUM).

RECEIVED  
 BOV785  
 2025-MAR-08  
 Coastal Planning

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 7th DAY OF FEBRUARY, 2025

Digitally signed by Matthew Schnurch FXMA33  
 Date: 2025.02.19 14:03:45 -08'00'

B.C.L.S. #956

(THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED.)



Climate Landscaping Ltd  
PO Box 954 Stn Main  
Parksville BC V9P 2G9  
mark@climatelandscaping.ca

March 05, 2025

Secretary to the Board of Variance  
Nanaimo BC

**Subject: Application for Variance at 3524 Wiltshire Drive, Nanaimo BC V9T 5K1.**

Dear Members of the Board,

I am writing to request a variance for the property located at 3524 Wiltshire Drive, Nanaimo.

The current owner, [REDACTED] seeks to construct a home office at the property in which to operate his home-based business. The current zoning bylaw requires a maximum roof peak elevation of 96.04 with a maximum building height of 4.5meters, but I am seeking a relaxation to 98.55 with a proposed building height of 7.01meters, which represents a variance of 2.51 meters.

The reason for this request is that adhering to the current bylaw creates an undue hardship for [REDACTED] because of a Statutory Right of Way covering the majority of the available development space in the vicinity of the main residence to the rear of the property.

There is an existing retaining wall to the rear of the main house that is retaining the homes' backyard. There is suitable space for development towards the rear property line beyond the retaining wall. This variance will allow us to construct a small office building, within the subject property, at an elevation so as to allow access from the main residence.

If the board does conclude to reject the variance and the development as proposed, we have considered mitigating the height by potentially reducing the foundation portion of the building and accessing the building via 2 or 3 steps down to the entry door. This does however move the windows closer to the backyard ground level, which is not preferred.

I have attached all necessary proposed construction documents, including a site plan and a survey, to support the application. I appreciate your consideration of my request and am available to provide any additional information or answer any questions you may have.

Thank you for your time and attention to this matter.

Sincerely,



**Mark Elvin, Climate Landscaping Ltd.**

**From:** [REDACTED]  
**Sent:** March 27, 2025 9:54 AM  
**To:** Kristine Mayes <Kristine.Mayes@nanaimo.ca>  
**Cc:** [REDACTED]  
**Subject:** Appeal No: BOV00785

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kristine

My name is [REDACTED], and I am the co owner of the adjacent property, [REDACTED], with my wife, [REDACTED]. We also want to express our extreme objection to the above-titled appeal and request for variance. We also strongly object to a structure of any building type being built within the easement area as currently proposed. We deem that our current property and future use and financial prospects of our property will be negatively affected by the building of any building type as described by the site plan showing Lot 26, District Lot 29, Wellington District, Plan 36479.

I have attached photos showing the area in question and depicting how the proposed structure would affect our privacy and the potential structural and safety issues when removing vegetation/trees that act as soil stabilization for the ever increasingly steep slope deterioration. In addition, please note the erosion beneath the current retaining wall of lot 26. Failure of such a retaining wall could cause significant damage and safety concerns for adjacent properties, especially ours.

For your convenience, I have also attached a copy of the proposed development of 163 Linley as envisioned by the developers of Golden Oaks and agreed in principle with the City of Nanaimo. The proposed structure would straddle two of the prime real estate lots, considerably diminishing the value of these lots.

Some of our concerns are, but not limited to:

- Loss on future Return on Investment
- Commercial building being built by and adjacent to a residential-zoned properties
- Noise disturbances from the intended use of the structure, i.e. recording studio and commercial traffic to and from the structure
- Hours of operation and related disturbances
- Impact on the use and enjoyment of our property
- Environmental impact, erosion of embankment, drainage of ditch
- Encroachment of easement potentially impacting 400 STW, and 200 SAN lines, and
- Further damage to the retaining wall potentially causing a life safety concern and structural failure of said properties retaining wall and that of adjacent properties retaining walls (which are monolithically tied together structurally), etc.

Please note that the above information is nonexhaustive and may require legal council's review and input.

Yours truly

[REDACTED]



BOV785

Current Planning





RECEIVED  
80785  
2025 MAR 27

