



AGENDA
BOARD OF VARIANCE MEETING

September 4, 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. APPOINTMENT OF CHAIR:

That [insert member name] be appointed as Chair of the Board of Variance.

The Chair of the Board of Variance to appoint an Acting Chair to preside in the absence of the Chair.

3. INTRODUCTION OF LATE ITEMS:

4. ADOPTION OF AGENDA:

5. ADOPTION OF MINUTES:

3 - 5

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-JUN-05 at 4:04 p.m.

6. PRESENTATIONS:

a. Board of Variance Application No. BOV00789 - 349 Nottingham Drive

6 - 14

Section 7.5.1 and Section 7.6.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” set out minimum required front yard setback and the maximum allowable height for a principal building with a flat roof, respectively.

The applicant requests variances to reduce the minimum required front yard setback for a proposed dwelling from 4.5m to 2.49m, resulting in a variance of 2.01m, and to increase the maximum allowable height of a dwelling from 7.0m to 8.57m, resulting in a variance of 1.57m.

Section 11.5.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” requires a minimum side setback of 3.0m for a principal building, except where a side lot line abuts a zone that permits only residential use, the minimum required setback is 4.5m.

The applicant requests to reduce the minimum required (west) side yard setback from 3.0m to 1.52m and (east) side yard setback from 4.5m to 1.52m to allow the construction of a single residential dwelling. This is a variance request of 1.48m and 2.98m, respectively.

7. REPORTS:

8. OTHER BUSINESS:

9. ADJOURNMENT:



MINUTES

BOARD OF VARIANCE MEETING

Thursday, June 05, 2025, 4:04 P.M.
Boardroom, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

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

Staff: L. Rowett, Manager, Current Planning
K. Mayes, Planner, Current Planning
G. Hunter, Community Development Clerk
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 4:04 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, 2025-MAY-01 at 4:01 p.m. be adopted. The motion carried unanimously.

4. PRESENTATION:

a. Board of Variance Application No. BOV00787 – 520 Vancouver Avenue

Introduced by Nelson Allen, Chair.

Isaac Bowden, Owner, spoke regarding Board of Variance Application No. BOV00787 – 520 Vancouver Avenue. Highlights included:

- Intend to address fire separation by replacing exterior cladding
- Proposing to raise the house, as this portion of the building currently sits on posts without a structural foundation
- Noted concerns regarding the structural integrity of the existing house
- A request for a variance of 0.43m, as a portion of the house currently encroaches into the setback area

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

- Clarification that the building footprint would extend toward the rear of the property
- Confirmation that removing the encroaching portion of the house is an option if the variance is not approved
- Discussion regarding the historic subdivision of the lots
- Consideration of the heritage value of the home and the surrounding neighbourhood

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

Steve Clark, 522 Vancouver Avenue, expressed support regarding the application.

Staff provided clarification regarding setback regulations in 1932, noting that zoning varied depending on when different areas were amalgamated into the City. Therefore, the existence of setback requirements at that time must be assessed on a property-specific basis.

It was moved and seconded that the Board of Variance finds that hardship exists in the case of application BOV787 at 520 Vancouver Avenue, due to the tightness of the property and the existing conditions. The motion carried unanimously.

It was moved and seconded that the Board of Variance approve application BOV787 at 520 Vancouver Avenue to vary section 7.5.1 of the Zoning Bylaw, to reduce the minimum (north) side yard setback for a principal building from 1.5m to 0.43m for a portion of an existing single residential dwelling to raise the building approximately 1.2m in height, there being evidence of undue hardship. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 4:19 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

RECORDING SECRETARY



PLANNING & DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, September 4th, 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: **BOV00789**

Applicant: Keene Anderson, Green Plan

Civic Address: 349 Nottingham Drive

Legal Description: LOT 45, SECTION 15-A, WELLINGTON DISTRICT, PLAN 33755

Zoning: Three and Four Unit Residential (R5)

Requested Variance: Section 7.5.1 and Section 7.6.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” set out minimum required front yard setback and the maximum allowable height for a principal building with a flat roof, respectively.

[Although the subject property is zoned Three and Four Unit Residential (R5), Section 7.5.7 & 7.6.4 specify where the principal use is a single residential dwelling in the R5 zone, the minimum required setback from the property lines and maximum height shall be as specified within the R1 zone].

The applicant requests variances to reduce the minimum required front yard setback for a proposed dwelling from 4.5m to 2.49m, resulting in a variance of 2.01m, and to increase the maximum allowable height of a dwelling from 7.0m to 8.57m, resulting in a variance of 1.57m.

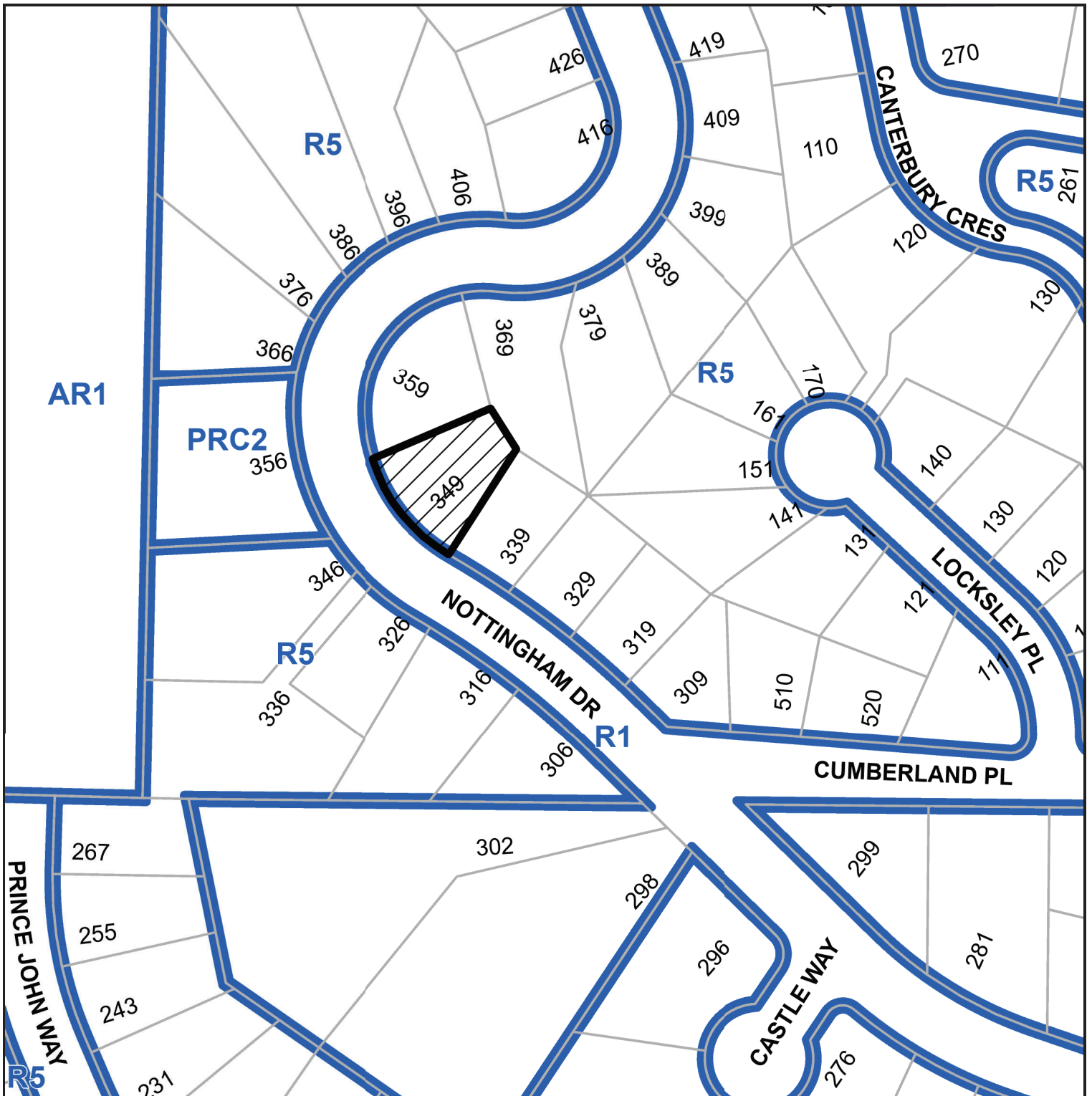
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property is affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting.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

For questions, please contact Lainya Rowett, Manager of Current Planning by email at Lainya.Rowett@nanaimo.ca, or by phone at 250-755-4460 ext. 4402.

WRITTEN SUBMISSION: Written comments must be submitted by email to above address no later than 2:30 p.m. September 4th, 2025.

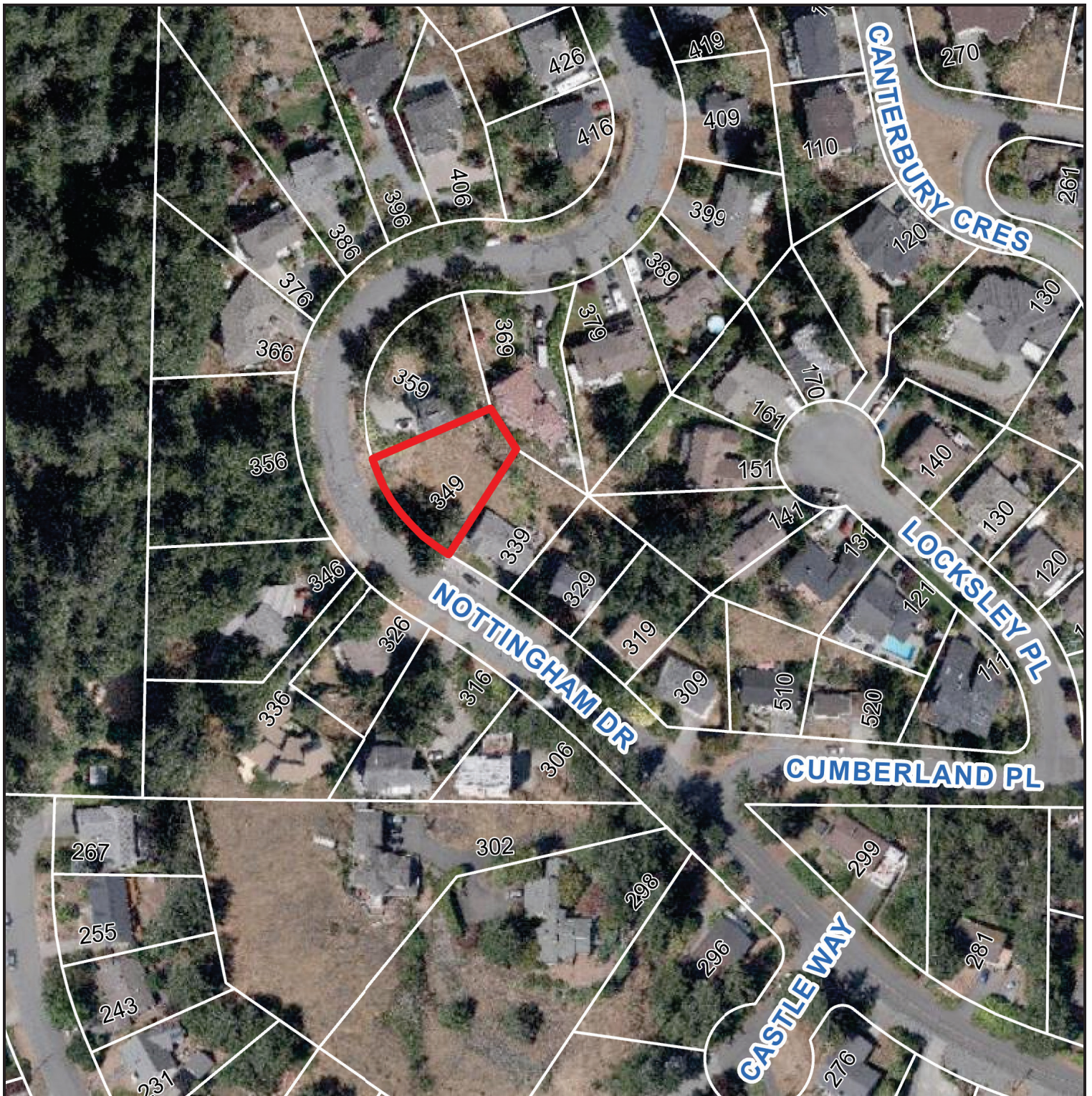
ATTEND IN-PERSON: To address this appeal in person you must attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, September 4th, 2025, at 4:00 p.m.

SUBJECT PROPERTY MAP



349 NOTTINGHAM DRIVE

AERIAL PHOTO



 349 NOTTINGHAM DRIVE

BUILDING HEIGHT CALCULATION	
AVERAGE NATURAL GRADE	91.37
AVERAGE FINISHED GRADE	91.37
MAXIMUM BUILDING HEIGHT	7.00
MAXIMUM ROOF PEAK ELEVATION	98.37

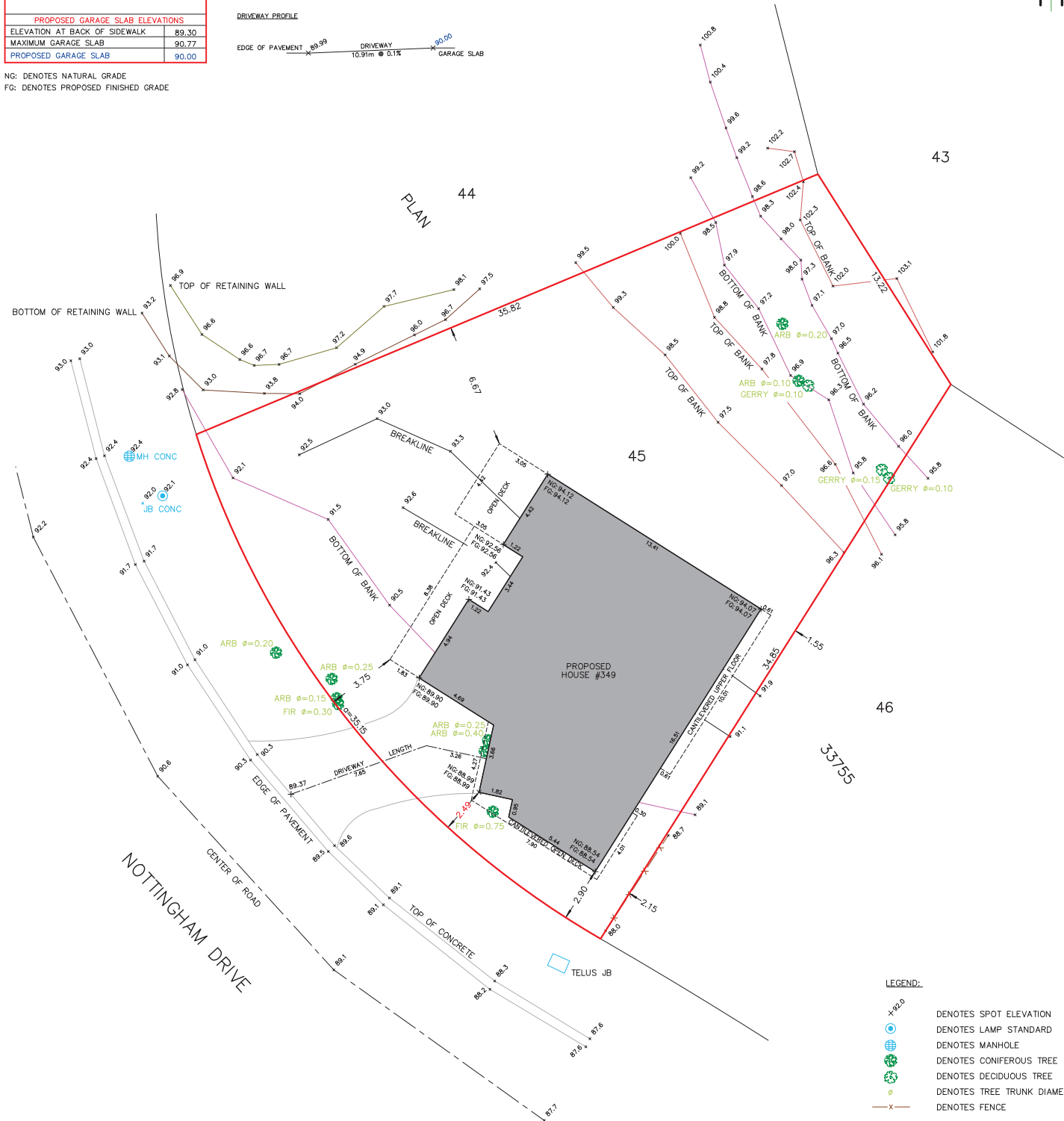
PROPOSED BUILDING ELEVATIONS	
PROPOSED LEVEL 1 ELEVATION	89.17
PROPOSED LEVEL 2 ELEVATION	90.00
PROPOSED LEVEL 3 ELEVATION	92.86
PROPOSED LEVEL 4 ELEVATION	93.98
PROPOSED LEVEL 5 ELEVATION	95.55
PROPOSED LEVEL 6 ELEVATION	96.72
PROPOSED ROOF PEAK ELEVATION	99.91

PROPOSED GARAGE SLAB ELEVATIONS	
ELEVATION AT BACK OF SIDEWALK	89.30
MAXIMUM GARAGE SLAB	90.77
PROPOSED GARAGE SLAB	90.00

NG: DENOTES NATURAL GRADE
FG: DENOTES PROPOSED FINISHED GRADE

BYLAW FRONTAGE VARIANCE	
PROPOSED FRONTAGE SETBACK	2.49
BYLAW FRONTAGE SETBACK (R1)	4.50
REQUESTED VARIANCE	2.01

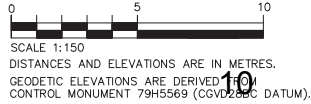
BYLAW HEIGHT VARIANCE	
PROPOSED ROOF PEAK ELEVATION	99.91
MAXIMUM ROOF PEAK ELEVATION	98.37
REQUESTED VARIANCE	1.54



THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO

NOTE:
THE REGISTERED TITLE OF THIS PROPERTY IS AFFECTED BY THE FOLLOWING LEGAL NOTATIONS AND REGISTERED CHARGES, LIENS AND INTERESTS:
12805506 - J48456 - M76303 - R15989.
THIS SITE PLAN DOES NOT VERIFY COMPLIANCE WITH THE ABOVE NOTED DOCUMENTS.

SITE PLAN SHOWING PROPOSED BUILDING LOCATION ON: LOT 45, SECTION 15-A, WELLINGTON DISTRICT, PLAN 33755			
CLIENT: JURAJ KOVAC	CIVIC ADDRESS: 349 NOTTINGHAM DRIVE		
FILE: 14-137-45	SCALE: 1:150	DRAWN BY: BEP	ZONING: R1
		PID: 000-259-241	

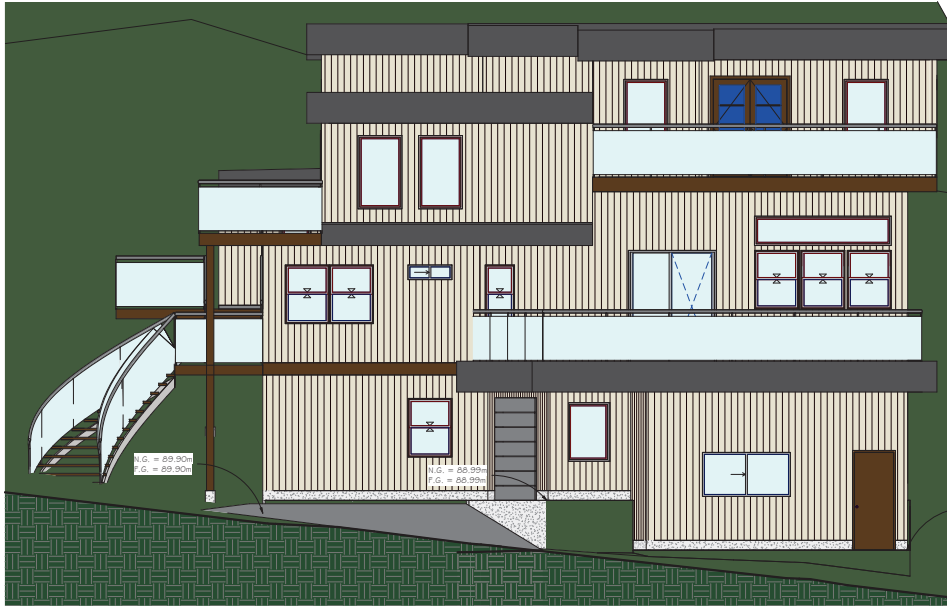


RECEIVED
BOV789
2025-AUG-19
Current Planning

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 7th DAY OF MAY, 2024

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

Turner & Associates
land surveying™
250.753.9778
435 TERMINAL AVENUE NORTH
NANAIMO, BC V9S 4J8
www.turnersurveys.ca



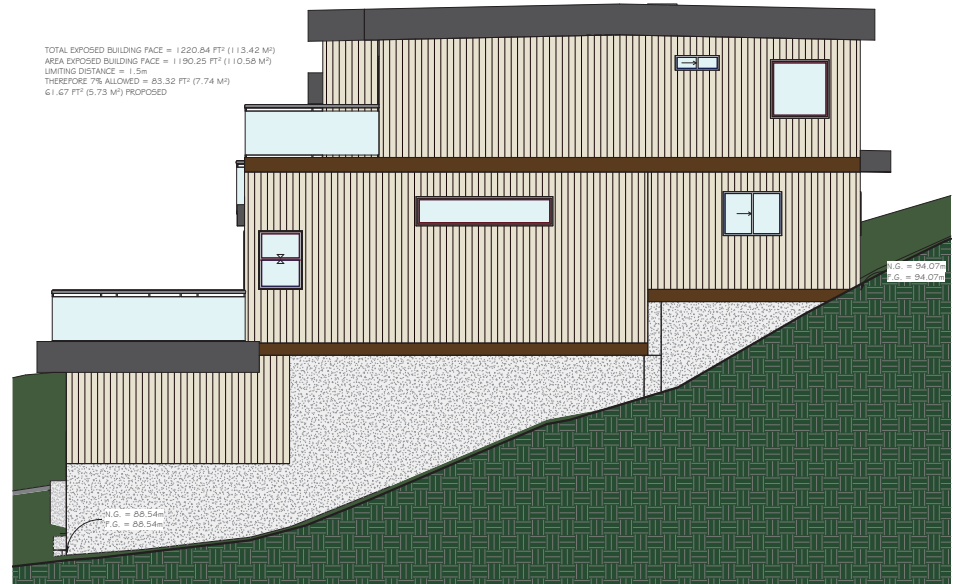
FRONT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"

TOTAL EXPOSED BUILDING FACE = 1 120.84 FT² (113.48 M²)
AREA EXPOSED BUILDING FACE = 1 190.25 FT² (110.36 M²)
LIMITING DISTANCE = 1.5m
THEREFORE 7% ALLOWED = 83.32 FT² (7.74 M²)
61.67 FT² (5.73 M²) PROPOSED

Revisions

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RECEIVED
BOV789
2025-AUG-13
COURT REPORT

349 NOTTINGHAM DRIVE
CUSTOM RESIDENCE

Greenplan
1655 Cedar Road
Nanaimo, B.C.
(250) 722-3456
www.greenplan.ca
info@greenplan.ca

Designed	Drawn	Checked

Date: 08/30/2025

Project: 24045

Drawing#: 24045-0813-71

Scale: 1/4" = 1'-0"

Sheet Title: ELEVATIONS

Sheet #: A3



REAR PERSPECTIVE



REAR-LEFT PERSPECTIVE



REAR-RIGHT PERSPECTIVE

Revisions

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349 NOTTINGHAM DRIVE
CUSTOM RESIDENCE

Greenplan
1655 Cedar Road
Nanaimo, B.C.
(250) 722-3456
www.greenplan.ca
info@greenplan.ca

Designed	Drawn	Checked
Date	18/1/2025	
Project	24045	
Overview	24045-08 3-71	
Scale		
Sheet Title	PERSPECTIVES	
Sheet #	AO	

RECEIVED
BOV789
2025-AUG-13
Current Planning

Board of Variance Application – Rationale Letter

349 Nottingham Road – Nanaimo

PID 000-259-241

Dear Members of the Board of Variance,

Please accept this letter and the attached supporting documents as the basis for consideration of relaxations to the existing zoning bylaws for this property. We respectfully request approval of two variances: one for front yard setback, and one for building height.

Variance Requests:

- **Front Setback:** Reduction from 4.5m to 2.49m (variance requested: 2.01m)
- **Building Height:** Increase from 7.0m to 8.54m (variance requested: 1.54m)

Site Context and Hardship:

349 Nottingham Road is a long, narrow, and currently undeveloped property. The site is uniquely challenging due to its steep topography and underlying rock substrate, which both severely restrict the buildable area under existing zoning regulations. Extensive site analysis, including a land survey (attached), confirm that the property slopes significantly from front to back, with a pronounced bank that precludes straightforward construction. Without the requested variances, the property's constraints make it virtually impossible to site a functional family home. As a result, strict application of the bylaw would impose a hardship by effectively preventing reasonable use of the land for residential purposes, leaving it likely to remain undeveloped.

Design Response:

Our design team has worked closely with the owners to minimize the impact of the requested variances while still accommodating the family's essential needs. A significant hardship factor is the owner's son's limited mobility, which necessitates the inclusion of an elevator servicing all living levels. Incorporating an elevator and providing level transitions between spaces is only feasible with the requested height and setback relaxations. Without these, the design would need to sacrifice critical features such as the garage and barrier-free access throughout the home. This would seriously impact the daily quality of life for the owners and their family member with mobility challenges.

Additionally, the proposed siting takes full advantage of the downward slope, ensuring that no neighbouring properties lose access to views, sunlight, or privacy. By orienting the garage perpendicular to the road and curving the driveway, we have also managed to limit the grade to a safe 5 degrees and provide a turnaround, enhancing safety for both residents and road users.

Supporting Materials:

- *Attachment 1: Turner Land Surveyors Survey* – Depicts property lines, topography, and banks
- *Attachment 2: Proposed Residence Location Survey* – Shows the placement of the home and proposed variances
- *Attachment 3: Lot Section* – Illustrates how the home will follow the land's natural contours, and references front and rear property lines

- *Attachment 4: Building Section* – Represents how the home will follow the land’s natural contours
- *Attachment 5: Section with Elevator* – Illustrates how the elevator has been incorporated into the design
- *Attachment 6: Building Elevations* – Shows the exterior views of the home
- *Attachment 7: Building Perspectives* – Demonstrates the look of the home

Conclusion:

In summary, the topography and geotechnical conditions of 349 Nottingham Road create conditions that are unique to this property and not commonly experienced by others in the area. The requested variances are the minimal relief necessary to allow a safe, accessible, and reasonable use of the property. We believe this hardship is consistent with the intent of the Board of Variance to provide fairness where strict bylaw application would otherwise prevent equitable use.

We respectfully ask for the Board’s support in granting these variances, so that we may proceed with the Building Permit and construction, thereby meeting the needs of the owners and their family.

Thank you for your time and consideration.

Sincerely,

Keene Anderson



PLANNING & DEVELOPMENT

BOARD OF VARIANCE

NOTICE OF MEETING

A meeting of the Board of Variance will be held on Thursday, September 4th, 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: BOV00790

Applicant: Gary Rowse

Civic Address: 532 Selby Street

Legal Description: PARCEL D (DD 9529N) OF LOT 13, BLOCK 16, SECTION 1, NANAIMO DISTRICT, PLAN 584

Zoning: Old City Mixed Use (DT8)

Requested Variance: Section 11.5.1 of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” requires a minimum side setback of 3.0m for a principal building, except where a side lot line abuts a zone that permits only residential use, the minimum required setback is 4.5m.

The applicant requests to reduce the minimum required (west) side yard setback from 3.0m to 1.52m and (east) side yard setback from 4.5m to 1.52m to allow the construction of a single residential dwelling. This is a variance request of 1.48m and 2.98m, respectively.

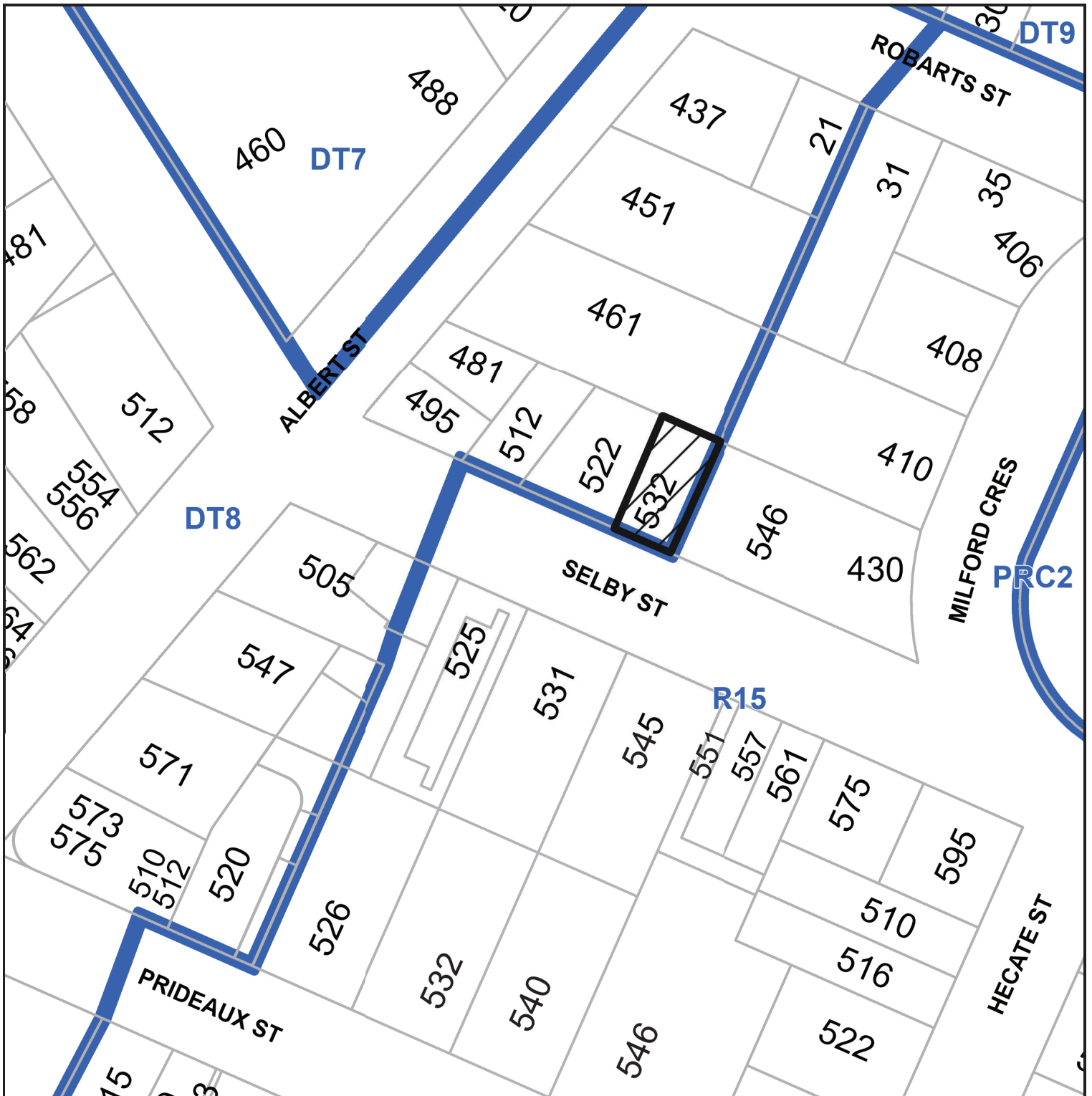
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For questions, please contact Lainya Rowett, Manager of Current Planning, by email at Lainya.Rowett@nanaimo.ca, or by phone at 250-755-4460 ext. 4402.

WRITTEN SUBMISSION: Written comments must be submitted by email to the above address no later than 2:30 p.m. September 4th, 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, September 4th, 2025, at 4:00 p.m.

SUBJECT PROPERTY MAP



532 SELBY STREET

AERIAL PHOTO



532 SELBY STREET



J.E. ANDERSON
& ASSOCIATES
SURVEYORS - ENGINEERS

TEL: 250-758-4631 FAX: 250-758-4660
NANAIMO - VICTORIA - PARKSVILLE

SKETCH PLAN

File: 90758

Civic: 532 Selby Street, Nanaimo, B.C.

Legal: Parcel D (DD 9529N) of Lot 13, Block 16, Section 1, Nanaimo District, Plan 584.

Dimensions are in metres and are derived from Plan 584, DD 9529N and field survey.

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

This sketch plan has been prepared in accordance with the Professional Reference Manual and is certified correct this 14th day of July, 2025.

Douglas Holme HKUD5F

Digitally signed by Douglas Holme HKUD5F
Date: 2025.07.15 09:52:09 -07'00'

This document is not valid unless
originally signed and sealed or
digitally signed by BCLS

B.C.L.S.

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The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

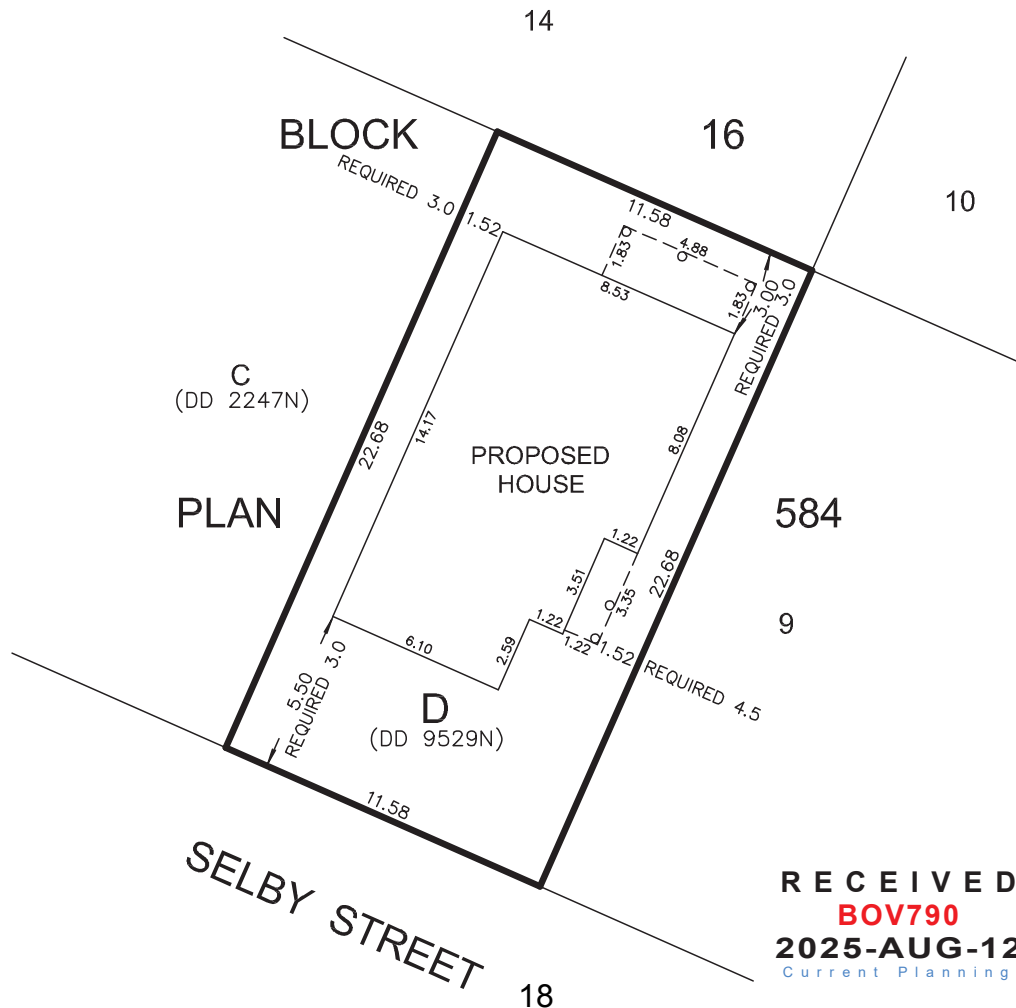
Subject to charges, legal notations, and interests shown on: Title No. CA5150658 (P.I.D. 008-851-298)

Scale 1:200

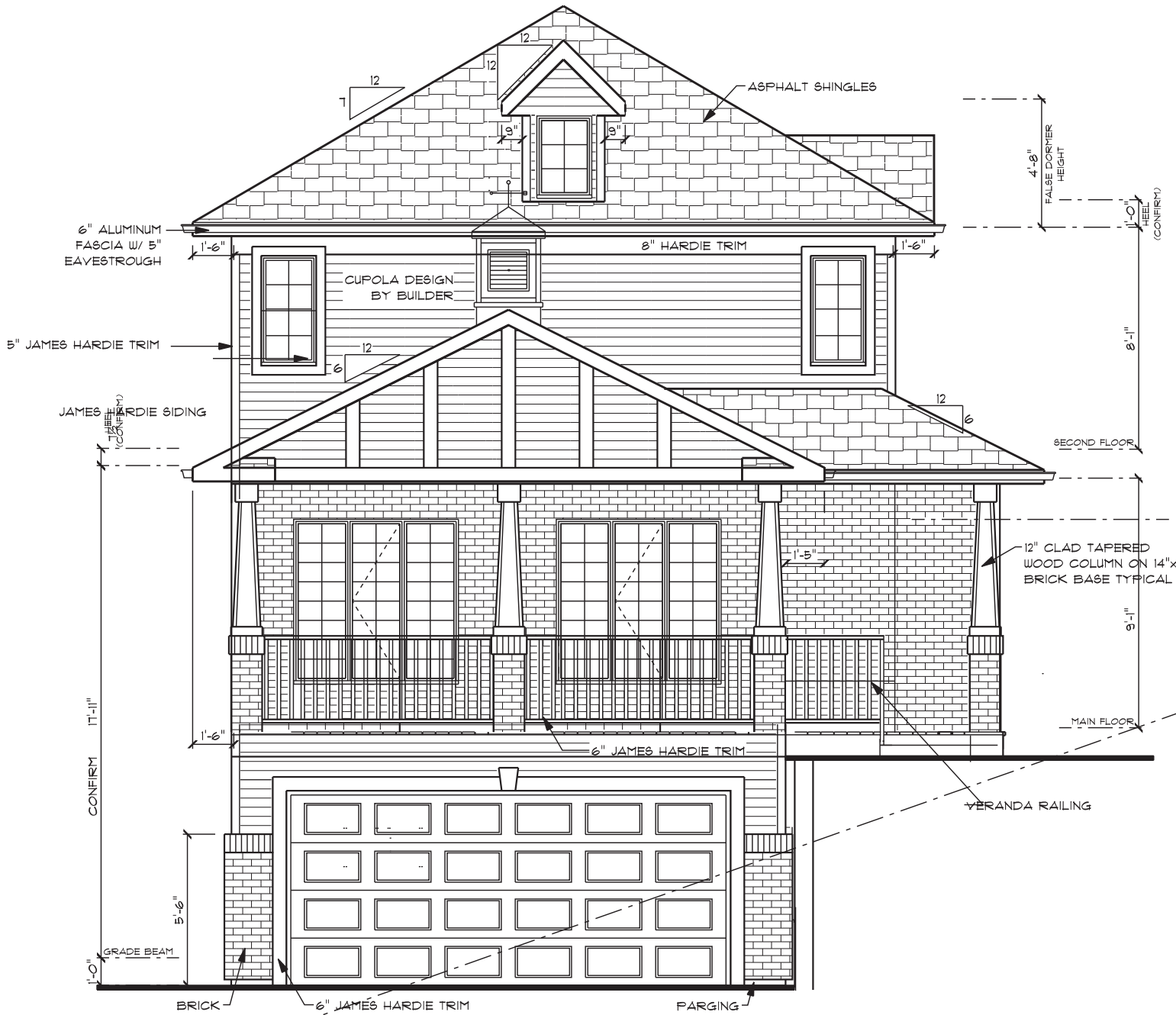


VARIANCE REQUEST

	REQUIRED	PROPOSED	VARIANCE
WEST SIDE SETBACK	3.0	1.52	1.48
EAST SIDE SETBACK	4.5	1.52	2.98
LOT COVERAGE	50%	47%	N/A



RECEIVED
BOV790
2025-AUG-12
Current Planning



LEFT ELEVATION

RECEIVED
BOV790
 2025-AUG-12
 Current Planning

July 25, 2025

Community Development Department
Board of Variance
City of Nanaimo

Re: Variance for 532 Selby Street, Nanaimo

To Whom It May Concern,

We are applying for side yard variances on the lot at 532 Selby Street with the legal description: Parcel D (DD 9529N) of Lot 13, Block 16, Section 1, Nanaimo District.

The purpose for asking for the variances is that the lot mentioned is an undersized lot and it would be difficult to build a residence appropriate for the neighborhood. The lot is significantly undersized given the zoning which is DT8 which states the minimum lot size to be 800 sq. m., the minimum frontage to be 15 m., the minimum depth to be 30 m., minimum side yard to be 3 m on the west side and 4.5 m on the east side (because it is abutting a residential zone). In respect to this lot it has a size of 262.6 sq. m., frontage of 11.58 m and a depth of 22.68 m. which as stated before is significantly undersized. Being the lot size it is, the current bylaws restricts the building pocket to be just over 4 meters (13.4 feet) wide which would be difficult to build something aesthetically pleasing in the neighborhood. We are only asking that the side yards be varied.

We are asking for a variance to make each side yard 1.5 meters to make the building pocket a more practical size. It would give us a building pocket of width 8.58 m (28') which would be in keeping with the same range as the neighborhood. See Plot Plan.

Thank you,



Gary Rowse