



**AGENDA FOR THE MEETING OF THE BOARD OF VARIANCE
TO BE HELD ON THURSDAY, 2016-JANUARY-21 AT 5:30PM IN THE BOARDROOM OF THE
SERVICE AND RESOURCE CENTRE, LOCATED AT 411 DUNSMUIR STREET, NANAIMO, BC**

1. **CALL TO ORDER**
2. **ADOPTION OF MINUTES:** 2015-NOV-19 BOV MEETING
3. **APPLICATIONS:**

APPEAL NO: **BOV670**

Applicant: Mr. Chris Bragg, on behalf of Nathan Chapman & Christine Shayer

Civic Address: 335 Black Creek Drive

Legal Description: LOT 65, SECTION 10, RANGE 8, MOUNTAIN DISTRICT, PLAN 30870

Purpose: 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 permit the reconstruction of an existing open deck 1.08m from the side yard property line. This represents a variance of 0.42m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

*"Section 7.5.1 – Yard Requirements
A side yard setback of 1.5m is required."*

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.

APPEAL NO: BOV671

Applicant: Mr. Jim Bradley

Civic Address: 1543 Extension Road

Legal Description: LOT C, SECTION 18, RANGE 4, CANBERRY DISTRICT, PLAN EEPP20284

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a retaining wall in a front yard from 1.2m to 2.24m in order to increase the height of an existing retaining wall. This represents a variance request of 1.04m.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a front yard fence shall not exceed 1.2m within the R1 zone"

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.

meeting of the Board of Variance will be held on Thursday, 2016-JANUARY-21 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: BOV672

Applicant: Dr. Sharon Wahl

Civic Address: 3747 Oak Crest Place

Legal Description: LOT 14, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN VIP60366

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height for a retaining wall as follows:

- Flanking side yard: from 1.80m to 2.39m
- Side yard: from 2.40m to 2.60m

The variance is requested in order to permit a recently constructed retaining wall. This represents a front yard fence height variance of 0.59m and a rear yard fence height variance of 0.20m.

Please Note: The retaining wall encroaches into City property and the neighbouring property (6753 Oak Crest Place) to the north. The variance will not authorize the retaining wall on City property. A separate application (BOV673) is included on the BOV agenda package for the portion of the retaining wall on 6753 Oak Crest Place.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a flanking side yard fence shall not exceed 1.8m within the R1 zone"

"Section 6.10.2 states the height of a side yard fence shall not exceed 2.4m within the R1 zone"

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 2016-January-11 to 2016-JANUARY-21.

APPEAL NO: BOV673

Applicant: Mr. Steve Stacey on behalf of Seann Madill

Civic Address: 3753 Oak Crest Place

Legal Description: LOT 15, DISTRICT LOT 39, WELLINGTON DISTRICT, PLAN VIP60366

Purpose: The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height for a retaining wall within the side yard from 2.4m to 2.98m in order to permit a recently constructed retaining.

Please Note: The majority of the retaining wall was constructed on the property to the south (3747 Oak Crest Place). A separate application (BOV672) is included within the BOV agenda for 3747 Oak Crest Place. The purpose of this variance application is to permit the over height portion of the retaining which encroaches onto the subject property.

Zoning Regulations: Single Dwelling Residential – R1. The applicant requests a variance to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500":

"Section 6.10.2 states the height of a side yard fence shall not exceed 2.4m within the R1 zone"

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.

4. OTHER BUSINESS:

5. ADJOURNMENT