



**MINUTES OF THE MEETING
OF THE BOARD OF VARIANCE
HELD IN THE BOARDROOM AT 411 DUNSMUIR STREET
ON TUESDAY, 2016-JAN-21 COMMENCING AT 5:30 PM**

PRESENT: **Members:** Mr. Tyler Brown – Chair
 Mr. Gordon Turgeon
 Mr. Gerald (Gerry) Johnson
 Mr. Richard Finnegan
 Mr. Mark Dobbs

Staff: Dave Stewart, Planner, Planning & Design Section

1. CALL MEETING TO ORDER

The regular meeting was called to order at 5:30 p.m.

2. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the meeting of the Board of Variance held on Thursday, 2015-NOV-19 be adopted. The motion carried unanimously.

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.

Discussion: Mr. Chris Bragg was in attendance for his appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried.

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.

Discussion: Mr. Jim Bradley was in attendance for his appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried.

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.

Discussion: Dr. Sharon Wall and Mr. Don Bayus were in attendance for their appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried.

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.

Discussion: Mr. Steve Stacey was in attendance for his appeal.

Decision: It was moved and seconded that the variance request be **approved**. The motion carried.

4. OTHER BUSINESS:

None

5. ADJOURNMENT

It was moved and seconded at 6:01 p.m. that the meeting terminate. The motion carried.



CHAIR
CERTIFIED CORRECT



DATE: