



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.

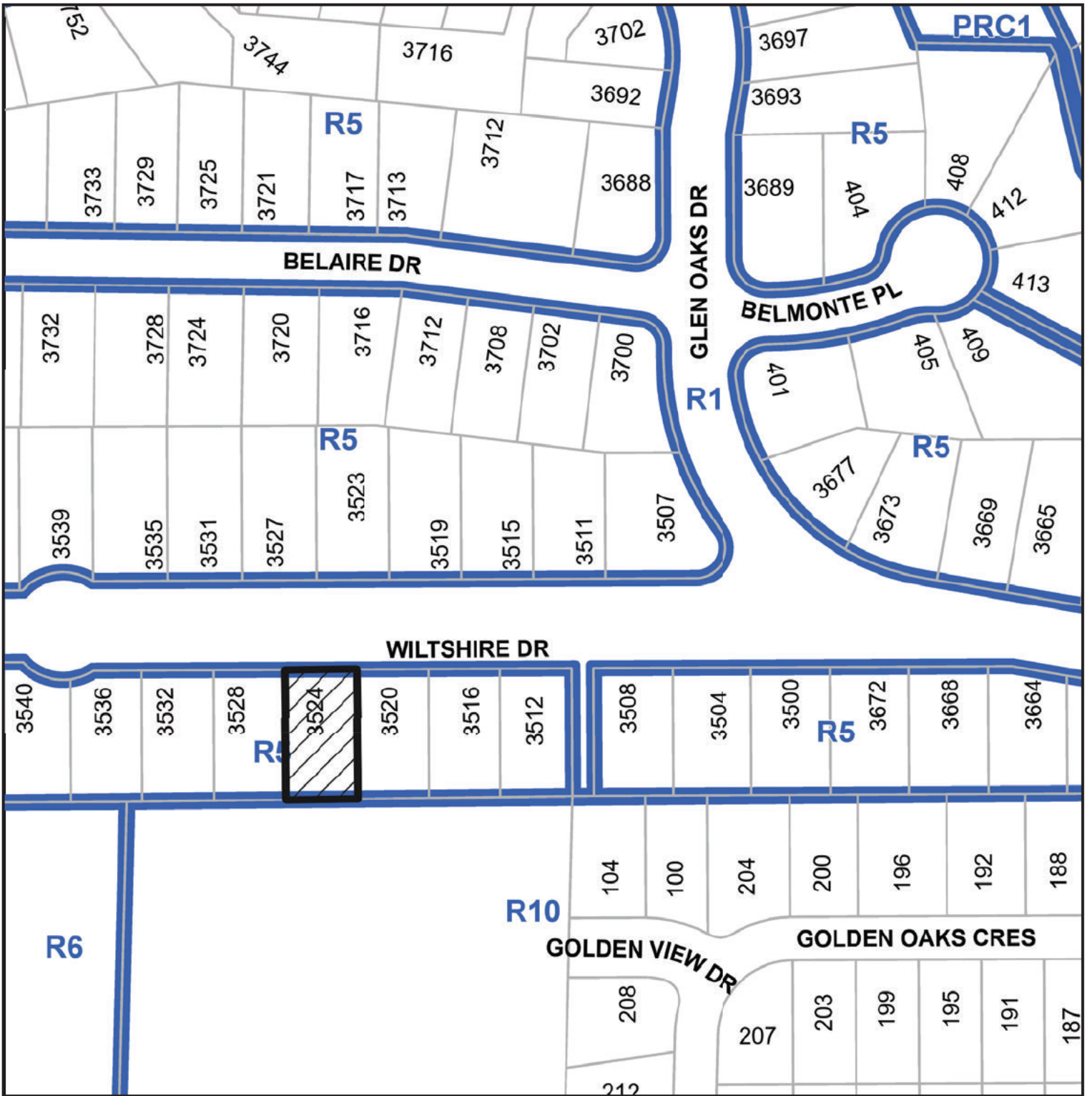
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property is affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting.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

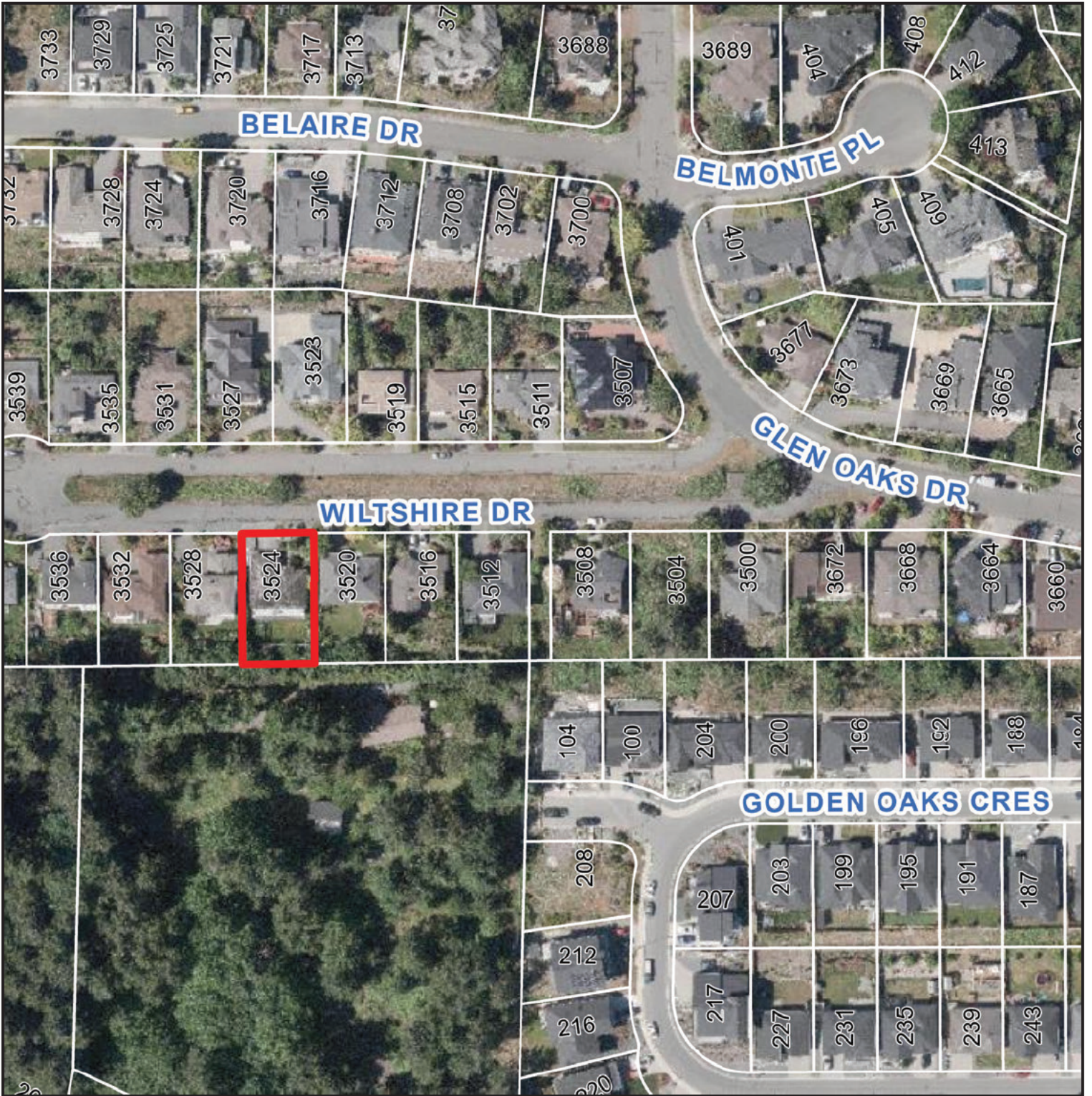
**ATTEND IN-PERSON:** To address this appeal in person you must attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, April 3<sup>rd</sup>, 2025, at 4:00 p.m.

# SUBJECT PROPERTY MAP



 3524 WILTSHIRE DRIVE

# AERIAL PHOTO



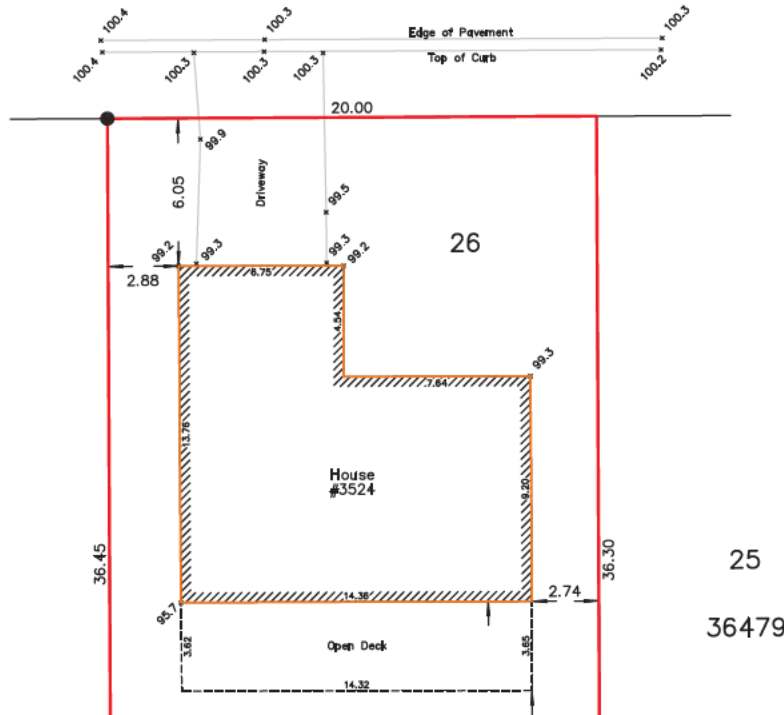
3524 WILTSHIRE DRIVE

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



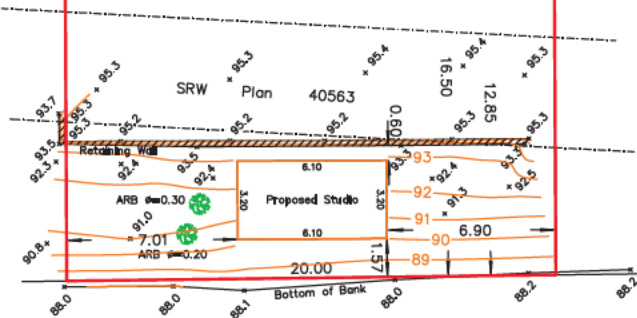
Wiltshire Drive



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.

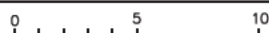
THIS SITE PLAN SHOWS THE RELATIVE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES/IMPROVEMENTS WITH RESPECT TO THE BOUNDARIES OF THE DESCRIBED PARCEL ONLY.

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

THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM 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 (CGVD288C DATUM).

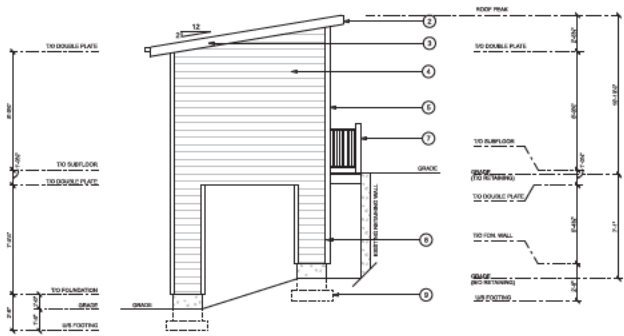
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 Coastal Planning

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

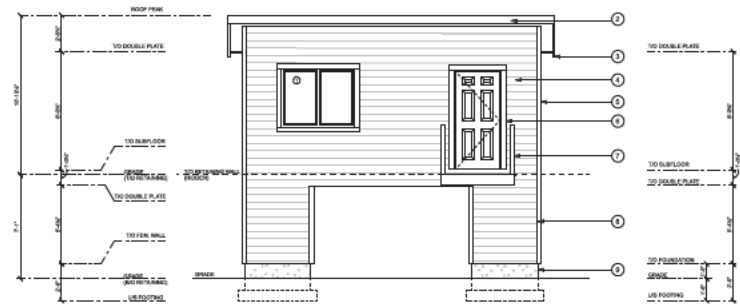
Digitally signed by Matthew Schnurch FXMA33  
 Date: 2025.02.19 14:03:45 -08'00'

B.C.L.S. #956

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



**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"

**FLASHING AND VENTILATION:**  
**MINOR ROOF FLASHING:**  
 \* PROVIDE ROOF FLASHING ABOVE ALL OTHERS.  
 \* PROVIDE SET-OF ADHESIVE MEMBRANE AT EAVES AND WALLS.  
 \* ROOF FLASHING SHALL BE INSTALLED AT ALL WALLS, WALLS AND ROOFS. ALL FLASHING SHALL BE INSTALLED TO PENETRATE THE ROOF DECK.  
**MAJOR FLASHING:**  
 \* SHALL BE TO BE UNICORE, TYPICALLY ON GRAVEL BED OF THE BUILDING FOR OVERLAP FLASHING WITH THE LEAD FLASHING. OVERLAP FLASHING SHALL BE INSTALLED AT THE TOP OF THE ROOF FLASHING. THE FLASHING SHALL BE INSTALLED AT THE BOTTOM OF THE ROOF FLASHING.

TAG	FINISHES
1	STAINING SHEATHING, ROOF FLASHING, METALLIC FINISHES @ EAVES
2	1/2" INSULATION
3	PRE-FINISHED GYPSUM BOARD
4	PRE-FINISHED GYPSUM BOARD
5	PRE-FINISHED GYPSUM BOARD
6	HORIZONTAL VINYL SIDING
7	1/2" INSULATION
8	1/2" CONCRETE
9	1/2" CONCRETE

**FLASHING:**  
 \* PROVIDE ROOF FLASHING ABOVE ALL EXTERIOR FINISHES.  
 \* PROVIDE ROOF FLASHING ALONG ROOF EDGE.  
 \* PROVIDE ROOF FLASHING OVER GLAZING WITH TYPICAL.



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ISSUED FOR REVIEW

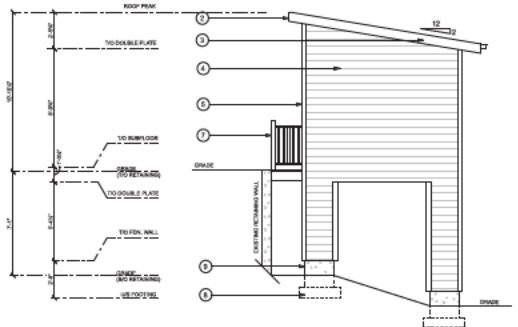
PROJECT NAME:  
 3524 WILTSHIRE DRIVE

PROJECT ADDRESS:  
 3524 WILTSHIRE DRIVE  
 NANAIMO, British Columbia

DRAWING NAME:  
 ELEVATIONS

SCALE:  
 1/4" = 1'-0"  
 DATE:  
 JANUARY 27, 2025  
 DRAWN BY:  
 DRAWING NUMBER:  
 PROJECT NUMBER:  
 2024-10-20

**A4**



**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"



**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"

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]

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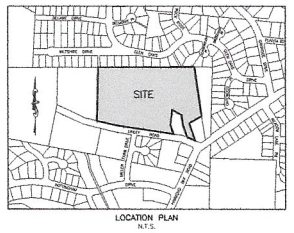
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DENSITY CALCULATION	AREA	ZONING
REM. LOT 2, PLAN 8407 SITE AREA:	5,529 Ha.	RS-7
LESS PARK DEDICATION (24%):	0,276 Ha.	
NET SITE AREA:	5,244 Ha.	
MAXIMUM UNIT COUNT (5,244 Ha. x 12 UPH):	62 UNITS	
PROPOSED UNIT COUNT:	60 UNITS	
ROAD DEDICATION: (INCLUDING BALWAYS)	1.09 Ha.	

SHADED AREAS INDICATE EXISTING SURFACE GRADIENT @ 3.0% OR GREATER

LOT	AREA	AREA	AREA	AREA	AREA	AREA	AREA
1	100	100	100	100	100	100	100
2	100	100	100	100	100	100	100
3	100	100	100	100	100	100	100
4	100	100	100	100	100	100	100
5	100	100	100	100	100	100	100
6	100	100	100	100	100	100	100
7	100	100	100	100	100	100	100
8	100	100	100	100	100	100	100
9	100	100	100	100	100	100	100
10	100	100	100	100	100	100	100
11	100	100	100	100	100	100	100
12	100	100	100	100	100	100	100
13	100	100	100	100	100	100	100
14	100	100	100	100	100	100	100
15	100	100	100	100	100	100	100
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18	100	100	100	100	100	100	100
19	100	100	100	100	100	100	100
20	100	100	100	100	100	100	100
21	100	100	100	100	100	100	100
22	100	100	100	100	100	100	100
23	100	100	100	100	100	100	100
24	100	100	100	100	100	100	100
25	100	100	100	100	100	100	100
26	100	100	100	100	100	100	100
27	100	100	100	100	100	100	100
28	100	100	100	100	100	100	100
29	100	100	100	100	100	100	100
30	100	100	100	100	100	100	100
31	100	100	100	100	100	100	100
32	100	100	100	100	100	100	100
33	100	100	100	100	100	100	100
34	100	100	100	100	100	100	100
35	100	100	100	100	100	100	100
36	100	100	100	100	100	100	100
37	100	100	100	100	100	100	100
38	100	100	100	100	100	100	100
39	100	100	100	100	100	100	100
40	100	100	100	100	100	100	100
41	100	100	100	100	100	100	100
42	100	100	100	100	100	100	100
43	100	100	100	100	100	100	100
44	100	100	100	100	100	100	100
45	100	100	100	100	100	100	100
46	100	100	100	100	100	100	100
47	100	100	100	100	100	100	100
48	100	100	100	100	100	100	100
49	100	100	100	100	100	100	100
50	100	100	100	100	100	100	100

Rev. No.	DATE	BY	REVISION DESCRIPTION	DATE	REVISION DESCRIPTION	DATE	REVISION DESCRIPTION	DATE	REVISION DESCRIPTION
01	14/03/2018	AM	CLIENT REVIEW COMMENTS ADDRESSSED						
02	17/03/2018	AM	CLIENT REVIEW COMMENTS ADDRESSSED						
03	18/03/2018	AM	CLIENT REVIEW COMMENTS ADDRESSSED						
04	17/03/2018	AM	CITY OF MANAWATU REVIEW COMMENTS ADDRESSSED						
05	17/03/2018	AM	CITY OF MANAWATU REVIEW COMMENTS ADDRESSSED						
06	07/04/2018	AM	CITY OF MANAWATU REVIEW COMMENTS ADDRESSSED						
07	07/02/2018	AM	DESIGN CALCULATION CORRECTED						

DESIGN	DATE	CHECKED	DATE
DESIGN	07-22-08		
CHECKED			
DATE			

DESIGNER'S SEAL	DESIGN NAME	CLIENT NAME
[Seal]	MHW	LINLEY ROAD VENTURES INC.
PROJECT NAME	PROPOSED SUBDIVISION 105 LINLEY ROAD	

PROJECT TITLE	CLIENT NO.	PROJECT NO.	DRAWING NO.	REVISION NO.	LOT PLAN FILE NO.
L	624	01	PLA	07	

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