



## **MINUTES**

### **BOARD OF VARIANCE MEETING**

Thursday, April 03, 2025, 4:04 P.M.  
Boardroom, Service and Resource Centre,  
411 Dunsmuir Street, Nanaimo, BC

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

Absent: Brian Anderson, At Large  
Michael Bassili, At Large

Staff: L. Rowett, Manager, 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 4:04 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-MAR-06 at 4:00 p.m. be adopted. The motion carried unanimously.

#### **4. PRESENTATION:**

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

Introduced by Nelson Allen, Chair.

Mark Elvin, Climate Landscaping Ltd., Applicant, and Gordon McGladdery, Owner, spoke regarding Board of Variance Application No. BOV00785 – 3524 Wiltshire Drive. Highlights included:

- A statutory right-of-way running through the middle of the backyard prevents the construction of an accessory building in a different location
- Proposing relocating the accessory building to the other side of the retaining wall
- The proposed building would be elevated with a height variance of 2.51m

Staff provided clarification on the following points:

- The City of Nanaimo's Building Department has requested a geotechnical review to assess slope stability and the Engineering Department noted that a tree removal permit may be required
- The statutory right-of-way, designated for stormwater and sanitary systems, cannot be relocated
- It was noted that easements and right-of-ways often impact the siting of buildings and geotechnical assessments are typically conducted during the building permit stage
- Explanation regarding the process for obtaining a development variance permit should the Board of Variance decide to deny the application

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

- Clarification that there is insufficient space at the front of the property for the accessory building
- Clarification regarding the use of the proposed building
- Concerns regarding the location of the statutory right-of-way on the site survey
- Confirmation that trees will not be removed to facilitate the proposed development

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

David Whyte, 163 Linley Road, expressed concerns regarding the retaining wall and potential erosion, as well as overlook, and spoke in opposition to the application.

It was moved and seconded that the Board deny application BOV00785 at 3524 Wiltshire Drive because undue hardship has not been demonstrated. The motion carried unanimously.

**5. ADJOURNMENT:**

It was moved and seconded at 4:40 p.m. that the meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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RECORDING SECRETARY