



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.

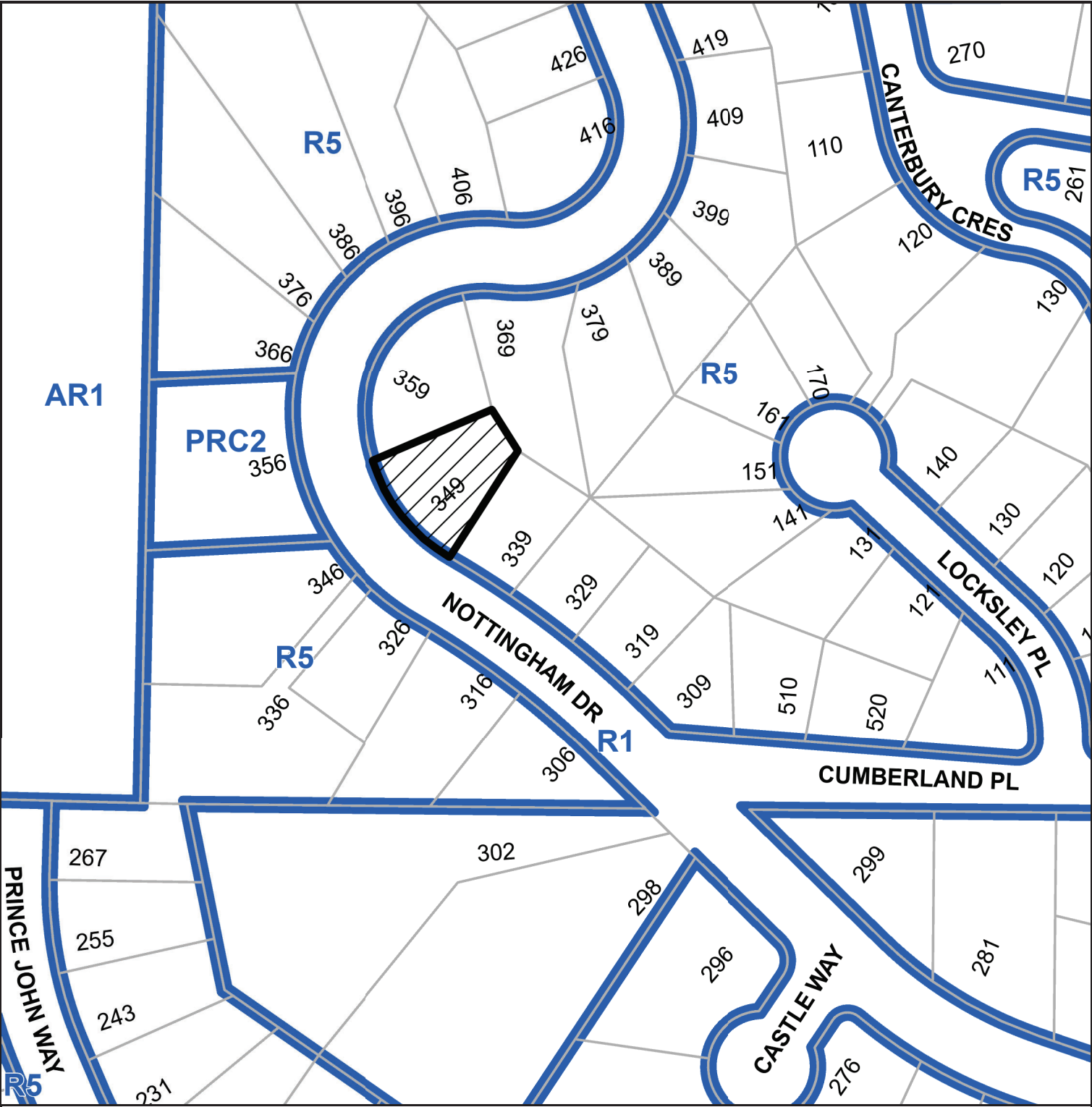
You are being notified as an owner or tenant of land that is adjacent to the property that is the subject of this application. If you deem your property is affected by the proposed variance, and wish to address this appeal, you will be given the opportunity to be heard at the Board of Variance meeting.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

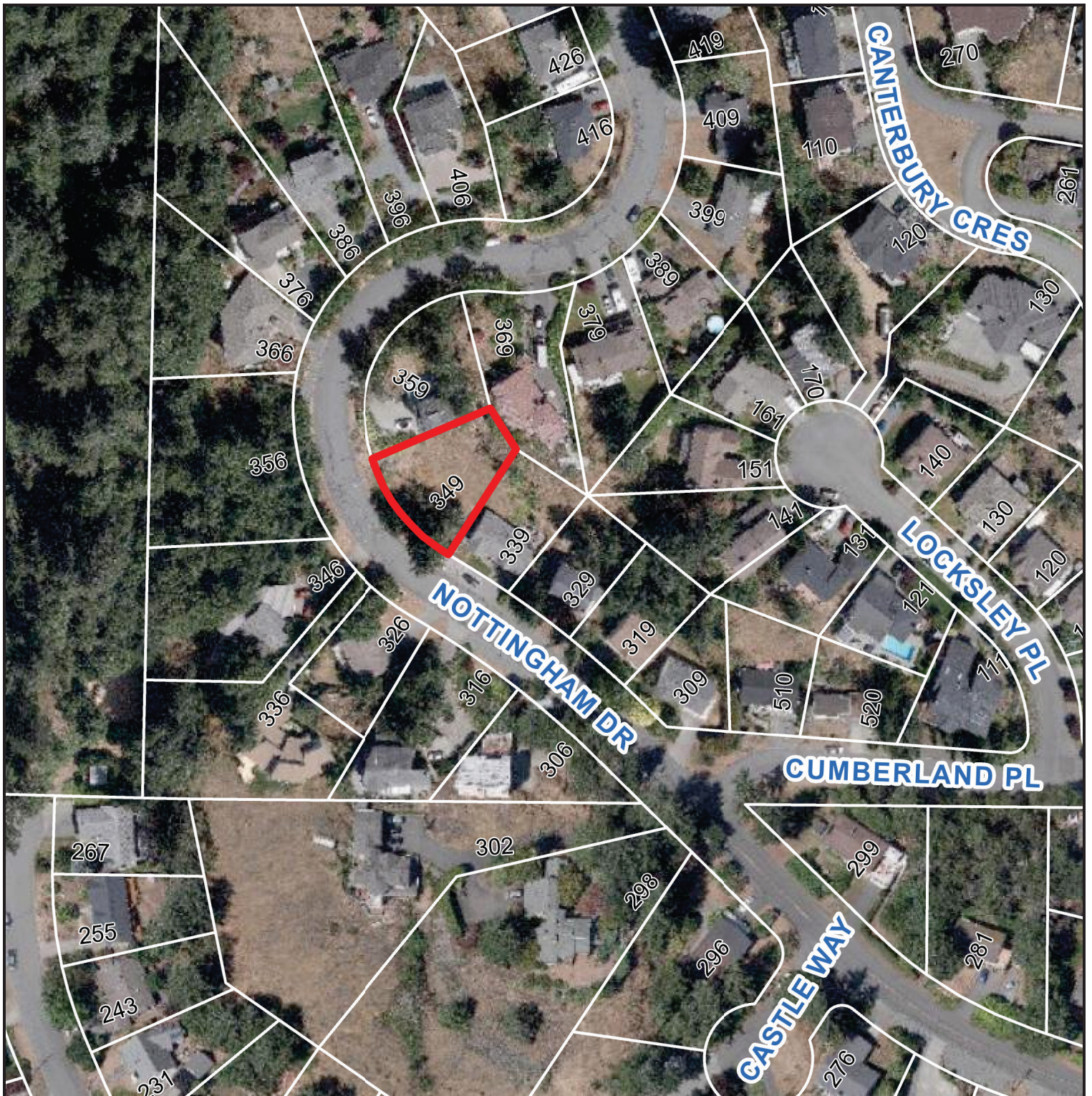
ATTEND IN-PERSON: To address this appeal in person you must attend this meeting, in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, September 4th, 2025, at 4:00 p.m.

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

0 5 10
SCALE 1:150
DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM CONTROL MONUMENT 79H5569 (CGVD28BC DATUM).

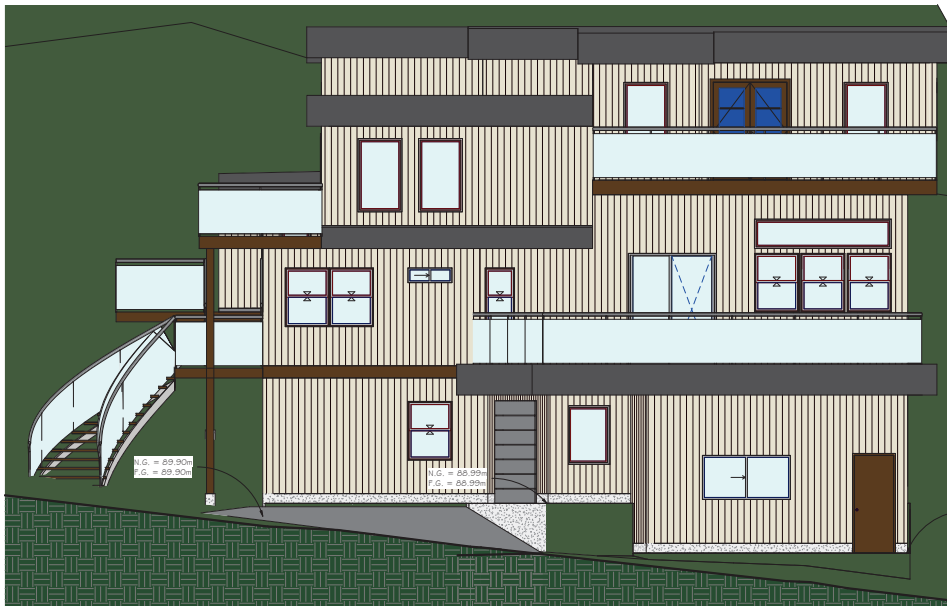
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2025-AUG-19
Current Planning

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.)

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



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

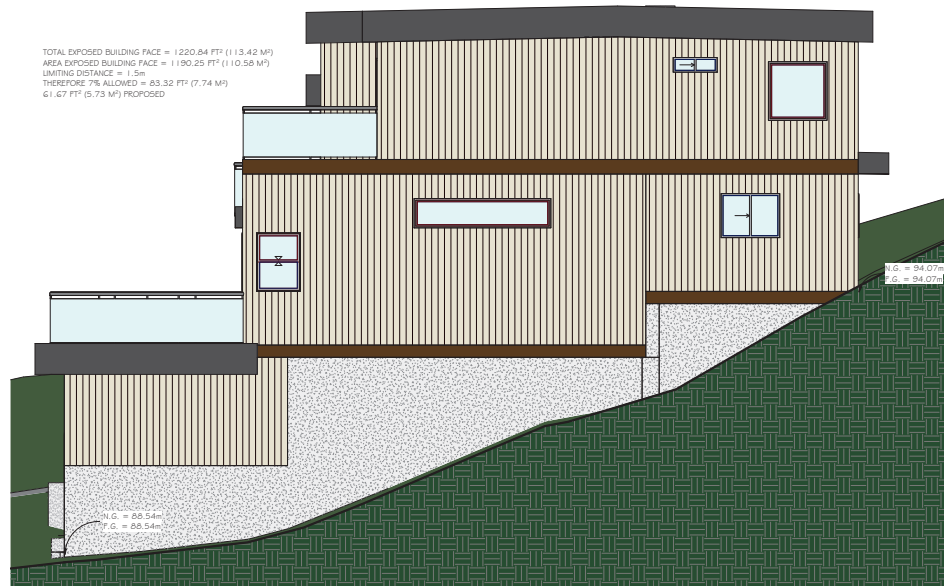


REAR ELEVATION
1/4" = 1'-0"



LEFT 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



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

| 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: 18/10/2025

Project: 24045

Drawing#: 24045-08 (3-7)

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

Sheet Title: ELEVATIONS

Sheet #: A3



REAR PERSPECTIVE



REAR-LEFT PERSPECTIVE



REAR-RIGHT PERSPECTIVE

| Revisions |
|-----------|
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| |

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349 NOTTINGHAM DRIVE
CUSTOM RESIDENCE

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

| | | |
|-------------|-----------------|---------|
| Designed | Drawn | Checked |
| Date | 16/1/2025 | |
| Project | L4045 | |
| Overlay# | 24045-08 3-71 | |
| Scale | | |
| Sheet Title | PERSPECTIVES | |
| Sheet # | AO | |

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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