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**BOARD OF VARIANCE**

**NOTICE OF MEETING**

A meeting of the Board of Variance will be held on Thursday, 2015-NOV-19 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: BOV00669**

**Applicant:** Ms. Cheryl L’Herault

**Civic Address:** 617 Brechin Road

**Legal Description:** LOT 2, SECTION 1, NANAIMO DISTRICT, PLAN 11467

**Purpose:**The applicant is requesting to vary the provisions of Zoning Bylaw No. 4500 in order to increase the maximum allowable height of a fence in a front yard from 1.2m to 2.0m in order reconstruct an existing legal non-conforming retaining wall. This represents a variance request of 0.8m.

**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 existing fence is considered legal non-conforming. Section 911 (9)

 and (10) of *the Local Government Act* states:

*“If the use and density of buildings and structures conform to a bylaw under this division...but the siting, size or dimensions of a building or structure constructed before the bylaw was adopted does not conform with the bylaw, ... the building or structure ... may be maintained, extended or altered ... only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started.”*

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 Development offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4429 (x4332), during normal business hours, Monday to Friday, excluding statutory holidays, from 2015-NOV-06 to 2015-NOV-19, inclusive.