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**BOARD OF VARIANCE**

**NOTICE OF MEETING**

A meeting of the Board of Variance will be held on Thursday, 2016-JANUARY-21 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: 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 (3753 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 3753 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.

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 Safety & Development offices, 411 Dunsmuir Street, Nanaimo, BC, or by calling 250-755-4429 (x4344), during normal business hours, Monday to Friday, excluding statutory holidays, from 2016-January-11 to 2016-JANUARY-21.