

DATE OF MEETING | February 25, 2019 |

AUTHORED BY | CALEB HORN, PLANNING ASSISTANT, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP377 – 3583 HAMMOND BAY ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to allow the construction of over-height retaining walls at 3583 Hammond Bay Road. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP377 at 3583 Hammond Bay Road with the following variance:

- increase the maximum combined height for retaining walls within the front yard from 1.2m to 3.55m. |

## **BACKGROUND**

A development variance permit application, DVP377, was received from Ronald Cotton to vary provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to increase the maximum height of a retaining wall in front yard. A previous development variance permit, DVP315, was approved on 2017-JUL-10 to increase the maximum height of a retaining wall from 1.2m to 3.2m. A building permit, BP123509, was issued in 2017-AUG-20 for the construction of two concrete block retaining walls. During construction, the total height of the retaining walls was increased to 3.55m to address issues with the underlying bedrock on the site. In order to complete the active building permit, the applicant has requested a variance to allow the height of the retaining walls as constructed.

### **Subject Property**

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the west side of Hammond Bay Road near the Chinook Road intersection close to Pipers Lagoon Park.
<i>Total Area</i>	1,609m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Neighbourhood

The subject property is a steeply sloping lot in an existing single dwelling residential neighbourhood.

Statutory Notification has taken place prior to Council’s consideration of the variance. |

## **DISCUSSION**

### **Proposed Development**

The Zoning Bylaw considers a retaining wall as a fence for the purposes of regulating height. Additionally, if two or more retaining walls on a slope are structurally dependent on each other, the height is measured from finished grade at the bottom of the lowest retaining wall to the top of the highest retaining wall.

The development includes two retaining walls that are structurally dependent on each other and therefore measured as one. The lower wall is 1.95m high and the upper wall is 1.75m high with 0.15m of vertical overlap, for a total combined height of 3.55m. The retaining walls support the slope and driveway and enable safe maintenance of the area between the walls.

As a condition of a tree removal permit issued at this property, the applicant has planted replacement trees along the bank below the retaining walls that will help screen the walls from the street.

### **Proposed Variance**

#### *Maximum Fence Height (Front Yard)*

The maximum permitted height of a fence or retaining wall in the front yard of an R1-zoned property is 1.2m. The combined height of the two retaining walls is 3.55m, a proposed variance of 2.35m.

The previously-issued development variance permit varied the maximum height of the retaining wall from 1.2m to 3.2m, so the new variance proposes an increase of 0.35m from the previously-approved height.

The retaining wall height is necessary to adequately retain the slope and driveway access to the property. Adjustments were made to the retaining wall block depth as the underlying bedrock on the property made it impractical to locate the retaining walls as deep as originally proposed. The additional retaining wall height accommodates the modified design. The retaining walls were designed by a geotechnical engineer. Their location does not preclude the City from achieving the future road cross-section on Hammond Bay Road. The terracing of the walls and required tree replacement on the slope will reduce the visual impact of the retaining walls from the street.

Increasing the retaining wall height to 3.55m from 3.2m is not anticipated to negatively impact adjacent properties. Staff support the proposed variance.

See Attachments for more information.

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP377 proposes a variance to increase the maximum combined height of retaining walls in the front yard from 1.2m to 3.55m.
- A previously-issued development variance permit varied the maximum height of the retaining walls from 1.2m to 3.2m, and the new variance request is an increase of 0.35m from the previously-approved height.
- The additional height is required in order to address issues with the underlying bedrock onsite.
- The proposed variance is not anticipated to have a negative impact on adjacent properties or on the City road right-of-way.
- Staff support the proposed variance.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Location Plan

ATTACHMENT C: Retaining Wall Detail

ATTACHMENT D: Photos

ATTACHMENT E: Aerial Photo

#### **Submitted by:**

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#### **Concurrence by:**

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