

DATE OF MEETING | May 27, 2019 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP381 –
1875 BOXWOOD ROAD |**

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit to reduce a side yard setback and allow over-height retaining walls at 1875 Boxwood Road. |

Recommendation

That Council issue Development Variance Permit No. DVP381 at 1875 Boxwood Road with the following variances:

- reduce the minimum side yard setback (south side) from 6m to 1.75m; and
- increase the maximum allowable height of retaining walls from 2.4m to 3.65m within the south side yard setback, and from 3m to 3.42m where retaining walls are located outside of the required setback area. |

BACKGROUND

A development variance permit application, DVP381, was received from Raymond de Beeld Architect Inc., on behalf of Nanaimo Industrial Space Ltd., to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") in order to construct two new industrial buildings and associated retaining walls on the subject property.

A development permit, Development Permit No. DP1087, was previously approved on 2019-FEB-14 when the subject property was two separate lots. Subsequent building permits have been submitted for the buildings and retaining walls. Through the building permit review, it was determined that additional variances are required.

Subject Property

<i>Zoning</i>	I2 – Light Industrial
<i>Location</i>	The subject property is located on the west side of the traffic roundabout at the intersection of Boxwood Road and Dufferin Crescent.
<i>Lot Area</i>	8,777m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Light Industrial

The subject property is located within the Greenrock Industrial Park. The property slopes down from Boxwood Road in the east to the Nanaimo Parkway in the west.

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

DISCUSSION

Proposed Development

The applicant is proposing to construct two industrial buildings separated by a surface parking area at 1875 Boxwood Road. Poured-in-place concrete retaining walls are proposed along the south and west property lines. Previously, the subject property consisted of two separate lots with addresses at 1875 and 1885 Boxwood Road and a single industrial building proposed on each property. The form and character of the proposed development was approved as part of DP1087. The two lots have now been consolidated and will contain the two building and related site improvements.

Proposed Variances

Side Yard Setback

The I2 zone requires a minimum side yard setback of 0m on one side and 6m on the other side of the subject property. The side yard setback on the south side is 1.75m; a proposed variance of 4.25m.

When the subject property was two separate lots, the setback regulations were met by providing setbacks greater than 0m from the outer lot lines, and setbacks greater than 6m from the interior lot line. With consolidation of the two lots, the proposed development no longer complies with the zoning requirements, as the minimum required setbacks should be 0m and 6m.

The side yard setback requirements in the I2 zone allow flexibility in building siting, and assist to break the building massing along street frontages. The intent of the Zoning Bylaw is met given that there are two separate buildings proposed and approximately 31m between them. The rhythm of building faces along Boxwood Road will not result in a single building wall. Adequate side yard setbacks and a utility corridor between the buildings provide building separation.

Staff support the proposed side yard setback variance.

Maximum Fence Height

The Zoning Bylaw requires a maximum fence or retaining wall height of 2.4m in the side yard setback and 3m outside of required yard setback area in the I2 zone. Proposed retaining wall heights are up to 3.65m in the south side yard setback and up to 3.42m where retaining walls are located outside of the required yard setback area; proposed variances of 1.25m and 0.42m, respectively. A 1.52m-high chain link fence is proposed at the top of the retaining walls. Open mesh and chain link fences are exempt from fence height regulations in industrial zones.

The proposed retaining walls will facilitate a consistent finished grade across the property and provide ease of access to the proposed buildings. The retaining walls are not expected to have a visual impact on city roads and will be screened from the Nanaimo Parkway by a landscape buffer. No negative impacts are anticipated on the neighbouring property to the south where a mini-storage development was recently approved.

Staff support the proposed fence or retaining wall height variances.

SUMMARY POINTS

- Development Variance Permit Application No. DVP381 proposes variances to reduce the minimum side yard setback (south side) from 6m to 1.75m, and increase the maximum allowable height of retaining walls from 2.4m to 3.65m in the south side yard setback and from 3m to 3.42m where retaining walls are located outside of the required yard setback area.
- The retaining walls are not expected to have a visual impact on city roads and will be screened from the Nanaimo Parkway by a landscape buffer.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Retaining Wall Sections
ATTACHMENT E: Building & Retaining Wall Elevations
ATTACHMENT E: Aerial Photo

Submitted by:

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Concurrence by:

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