

DATE OF MEETING June 10, 2019

AUTHORED BY LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT DEVELOPMENT VARIANCE APPLICATION NO. DVP376 –
903 PARK AVENUE**

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to allow a retaining wall and fence height variance at 903 Park Avenue.

Recommendation

That Council issue Development Variance Permit No. DVP376 at 903 Park Avenue with the following variances:

- increase the maximum combined height for a retaining wall and fence within the front yard setback from 1.2m to 3m, and within the side yard setback from 2.4m to 3m.

BACKGROUND

A development variance permit application, DVP376, was received from Tectonica Management Inc., on behalf of Sanguine Developments Inc., to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum combined height of a retaining wall and fence at 903 Park Avenue within the front and side yard setbacks.

The subject property is a sloping lot and was created through a ten-lot subdivision of a property formerly addressed as 425 Eighth Street.

To address the grade change between the subject property and the adjacent lot (403 Eighth Street), a 1.5m-high retaining wall was built through the subdivision process, extending approximately 14.6m from Park Avenue along the northern property line of 903 Park Avenue. A fencing solution was proposed on top of the wall to mitigate any fall or trip hazards between the two properties. A height variance is needed to permit the over-height wall and fence.

Subject Property

Zoning	R1 – Single Dwelling Residential
Location	The subject property is located on the west side of Park Avenue, near the intersection of Eighth Street and Park Avenue, and across the street from Park Avenue Elementary School.
Total Area	509m ²
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Neighbourhood

A similar development variance permit application at 917 Park Avenue (DVP383) has been submitted on the same Council agenda.

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. The development includes one lock block retaining wall that is 1.5m high, with a proposed 1.5m cedar fence on top, for a total of 3m along the northern property line. A variance is needed as the over-height wall/fence is located within the front and side yard setbacks.

Proposed Variance

Maximum Fence Height (Front and Side Yard)

The maximum permitted fence height within the front yard setback is 1.2m. The combined height of the proposed retaining wall and fence in the front yard is 3m; a proposed variance of 1.8m. The maximum permitted fence height within the side yard setback is 2.4m. The combined height of the proposed retaining wall and fence in the north side yard is 3m, a proposed variance of 0.6m.

The proposed lock block retaining wall was designed by a geotechnical engineer and provides driveway access to 903 Park Avenue. The BC Building Code does not require the fence on top of the retaining wall; however, it will provide a safety barrier between the two properties. The wall is adjacent to the rear yard of 403 Eighth Street and is well separated from the neighbouring dwelling unit. Increasing the height to 3m is not anticipated to negatively impact the adjacent property. Staff support the proposed variances.

SUMMARY POINTS

- Development Variance Permit Application No. DVP376 proposes a variance to increase the maximum retaining wall and fence height in the front yard setback from 1.2m to 3m, and in the north side yard setback from 2.4m to 3m.
- The additional height is required in order to accommodate the elevation of the driveway let-down and respect the grade change between the two neighbours.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Dale Lindsay
Director, Community Development