

DATE OF MEETING January 13, 2020

AUTHORED BY LAINY NOWAK, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP396 – 4461 WELLINGTON ROAD**

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow an over height fence and retaining wall at 4461 Wellington Road.

Recommendation

That Council issue Development Variance Permit No. DVP396 at 4461 Wellington Road with the following variance:

- increase the maximum combined height for a fence and retaining wall within the rear and side yard setbacks from 2.4m to 3.51m.

BACKGROUND

A development variance permit application, DVP396, was received from Mike Plavetic to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to increase the maximum combined height of a fence and a retaining wall permitted within the rear and side yard setbacks at 4461 Wellington Road.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential, R4 - Duplex Residential
<i>Location</i>	The subject property is located on the south side of Wellington Road.
<i>Total Area</i>	3.2 ha
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Neighbourhood

There is an active subdivision application for a proposed 36-lot subdivision (SUB01361) at the subject property. The lot is characterized by a gradual slope from Wellington Road downward toward the properties fronting Jingle Pot Road. The surrounding properties are zoned for industrial and residential uses. There is an unnamed, non-fish bearing watercourse that runs parallel to the property, on the outside of the southern lot line.

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

DISCUSSION

Proposed Development

As part of the subdivision works and to address grade changes between the subject property and the watercourse located to the south, the applicant constructed an approximately 115m-long retaining wall along the rear and west side property line. The Zoning Bylaw considers a retaining wall as a fence for the purposes of regulating height. The existing concrete retaining wall varies in height up to 1.53m and the applicant proposes to add a 1.98m-high wooden fence on top, for a combined height of 3.51m. The retaining wall is located outside the required watercourse setback (3m).

Proposed Variance

Maximum Fence Height

The portion of the property where the retaining wall is located is zoned R1. The maximum allowable fence height within the rear and side yard setback in the R1 zone is 2.4m. The proposed combined height of the fence and retaining wall is 3.51m. The proposed variance is 1.11m.

BC Building Code does not require the fence on top of the retaining wall; however, it will provide a safety barrier between the subject property and the adjacent properties where there is a grade change of approximately 1.5m. Increasing the combined fence and retaining wall height to 3.51m is not anticipated to negatively impact the adjacent properties. Staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit Application No. DVP376 proposes a variance to increase the maximum fence and retaining wall height in the rear and side yard setbacks from 2.4m to 3.51m.
- The variance is not anticipated to negatively impact the adjacent properties.
- Staff support the proposed variance.

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:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services