

DATE OF MEETING | February 22, 2021 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING SECTION |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP411 – 1768 RAJEENA WAY** |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit application to allow a fence height variance at 1768 Rajeena Way for an existing retaining wall and fence. |

Recommendation

That Council issue Development Variance Permit No. DVP411 at 1768 Rajeena Way with the following variance:

- increase the maximum combined height for a retaining wall and fence permitted within the rear and side yard setbacks from 2.4m to 5.41m. |

BACKGROUND

A development variance permit application, DVP411, was received from Chris Irving to vary the provisions of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to increase the maximum combined height of an existing retaining wall and fence at 1768 Rajeena Way within the rear and side yard setbacks.

Subject Property and Site Context:

<i>Zoning</i>	R10 – Steep Slope Residential
<i>Location</i>	The subject property is located in Chase River on the south side of Rajeena Way.
<i>Total Area</i>	991m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Neighbourhood

The subject property is a residential lot located in an area primarily characterized by single dwelling residential uses. There is an existing single residential dwelling and an accessory building on the subject property. The accessory building was recently built in 2020 (BP125636).

The lot has a grade change of approximately 1.4m to 3m between the top of the existing retaining wall on the subject property and the existing grades of the immediately adjacent property, to the rear.

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

DISCUSSION

Proposed Development

As part of the construction of the recently erected accessory building, the site was re-graded and an Allan block retaining wall and a cedar fence were built on top of a previously existing rock retaining wall. The retaining wall was not identified as part of the scope of work for the building permit for the accessory building.

The Zoning Bylaw considers a retaining wall as a fence for the purposes of regulating height. The development includes an existing cedar fence up to 2.33m in height on top of Allan block and rock retaining walls that vary in height up to 3.08m. The combined height of the retaining walls and fence vary from 2.93m to 5.41m at the highest point.

Proposed Variance

Maximum Fence Height (Rear and Side Yard)

The maximum permitted fence height within the rear and side yard setback is 2.4m. The combined height of the retaining wall and fence is 5.41m; a proposed variance of 3.01m.

The 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 due to the steep grade change. The wall was designed by a geotechnical engineer and the Engineer has confirmed it is structurally sound. If the variance is approved, the property owner will apply for the required building permit.

The requested variance is not anticipated to negatively impact adjacent properties, and signatures of support from the immediately-affected neighbours were received. Staff support the proposed variance.

SUMMARY POINTS

- Development Variance Permit Application No. DVP411 proposes a variance to increase the maximum combined retaining wall and fence height in the rear and side yard setback from 2.4m to 5.41m.
- The requested variance is not anticipated to negatively impact the adjacent properties and signatures of support from the neighbours were received.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Context Map
ATTACHMENT C: Location Plan
ATTACHMENT D: Site Survey
ATTACHMENT E: Retaining Wall Photos
ATTACHMENT F: Aerial Photo

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

||