

RE: 3410 Arrowsmith – Side Yard Setback Variance
BP 125044, BP 125058, BP 125120

To Whom it May Concern:

We are writing this letter as instructed by the City of Nanaimo Planning Department in order to apply for a variance regarding an exterior concrete stairwell wall projecting into the side yard setback that will be used to access a mechanical room. The variance we are seeking is to reduce the required side yard setback in the AR2 zone from 3m to 2m to facilitate an exterior stair access to a mechanical room.

Our property is a heavily treed 5 acre property with steep slopes and views of Departure Bay and Mount Benson. Throughout the design of our house we have worked with city and fire department to meet their needs while also attempting to minimize tree removal and minimize the impact to the natural beauty of the lot. The design of the house was further complicated as a result of the natural topography and steep slopes on the west, south and east sides of the lot. Some of the key points regarding the design and configuration of the house and retaining walls are as follows:

- Our priority is to minimize impact on natural environment. It is a beautiful undeveloped treed steep slope view lot.
- Site constraints consisted of a large rock knoll, two natural valleys, rock plateaus on either side of the valleys, and the remainder of the lot being primarily steep slope rock bluffs. Site access is only available at the north east corner of the lot.
- Our driveway and driveway access were aligned to minimize tree and rock removal. In addition, the driveway was required to meet the Fire Department needs for access which included a three point turn around area at the lot entrance as well as approval of the driveway. In order to accommodate the fire department needs and minimize tree clearing, the turnaround area in front of the house is located over the first large rock plateau. This required the house to be positioned and configured as it is. Moving this roundabout area would have required significant tree clearing and retaining walls if the house was to have been positioned differently.
- The septic field is located at the base of a rocky knoll as there is already a valley with sparse trees in the area and the native material met the requirements for the septic field. This allowed us to install the septic field without having to remove any trees as well as meeting all requirements to be 100 feet away from the well we installed on our site as well as our neighbour's well on the lot next door. Other areas would have required significant tree removal.
- As a result of access and septic field requirements, the available building site consisted of a natural valley between the driveway roundabout area and the much smaller rock plateau to the south of the valley with steep slopes to the west, south and east. The available building site allowed us to maintain views from the property while minimizing impact on natural environment including rock and vegetation/tree removal.
- The building was designed taking into account the many steep slope areas of the lot as well as the natural valleys between rock plateaus.

- The crawlspace and outdoor water storage tanks were positioned in the valley to the south of the roundabout.
- The basement was positioned to the west where some moderate steep rock slopes began in order to minimize blasting and rock removal but we were unable to move any further to the west as the rock slopes became significantly steeper
- The garage was located towards the east property line as the grades were similar to the roundabout grades but still required high foundation walls along the back of the garage due to existing grades.
- The back deck area was designed to follow the natural edge of the small southern rock plateau to minimize retaining wall heights and rock removal and maintain views. Due to steep rock slopes, the deck area was terraced in order to only have moderately high retaining walls
- The mechanical room was positioned in an area to the east where the east steep rock slopes began in order to minimize rock removal. Due to grade changes, stairs were required to access the mechanical room.
- As a result of significant grade changes between our lot and the neighboring lot to the east we looked at several wall and fence options along the east property line. In order to minimize the look of high retaining walls required due to grade changes, we felt that a rock wall with setback concrete retaining wall would allow us to have a level side yard and landscaping would be added to soften the look of the concrete retaining wall and still meet the city bylaws for the maximum height of concrete retaining wall and fence.
- Throughout the three years and over 40 concepts that were considered in designing the house several attempts were made to move the house to the west but the very steep slope to the west of the house made it impossible to do.

During construction of the approved plans, the geotechnical engineer required the footings of the rear deck walls to be moved north 24" from the original proposed location. In order to facilitate this, all the retaining walls as well as the south wall of the mechanical room, were shifted 24" north which moved the access door to the mechanical room further north and required the reconfiguration of the exterior stairs from the side yard to the mechanical room. Revised drawings including the new stair configuration were provided to the City and approval for revised building permit was granted. The retaining walls were reviewed and poured including the foundations for the mechanical room walls.

Regardless of the fact that the both lots are both 5 acres in size, each has only one place suitable to build while maintaining the views both properties enjoy given the many constraints such as minimizing impact of natural environment; steep slope and site topography; minimizing tree removal; maintaining views; and the position of existing services and their impact on possible locations for wells and septic fields. When preparing the plans, we talked to the neighbour making certain we would be able to trim trees on adjacent lot to maintain our view and agreed at that time that we would add plants in front of the concrete retaining walls along the east property line to soften the look of the concrete walls. The stair landing that projects into the setback and requires the variance is along this property line will have landscaping in front of the wall as well. Given the topography of both lots and the elevation difference between the lots, the stair landing poses no impact to the use or view for the neighboring lot.

We have attached the site survey of the existing retaining wall for your reference. Thank you for your time and consideration of this matter. We look forward to having the variance application approved and moving into our new home the end of June.

Regards,

