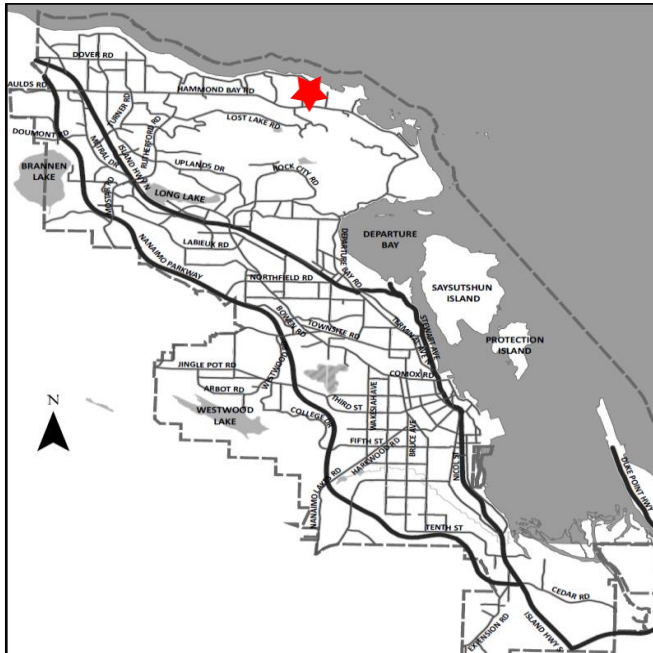


DATE OF MEETING February 27, 2023

AUTHORED BY PAYTON CARTER, PLANNING ASSISTANT, CURRENT PLANNING

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP442 – 5013 HINRICH VIEW



Proposal:

Variations to allow an over height retaining wall for a swimming pool for an existing dwelling.



Zoning:

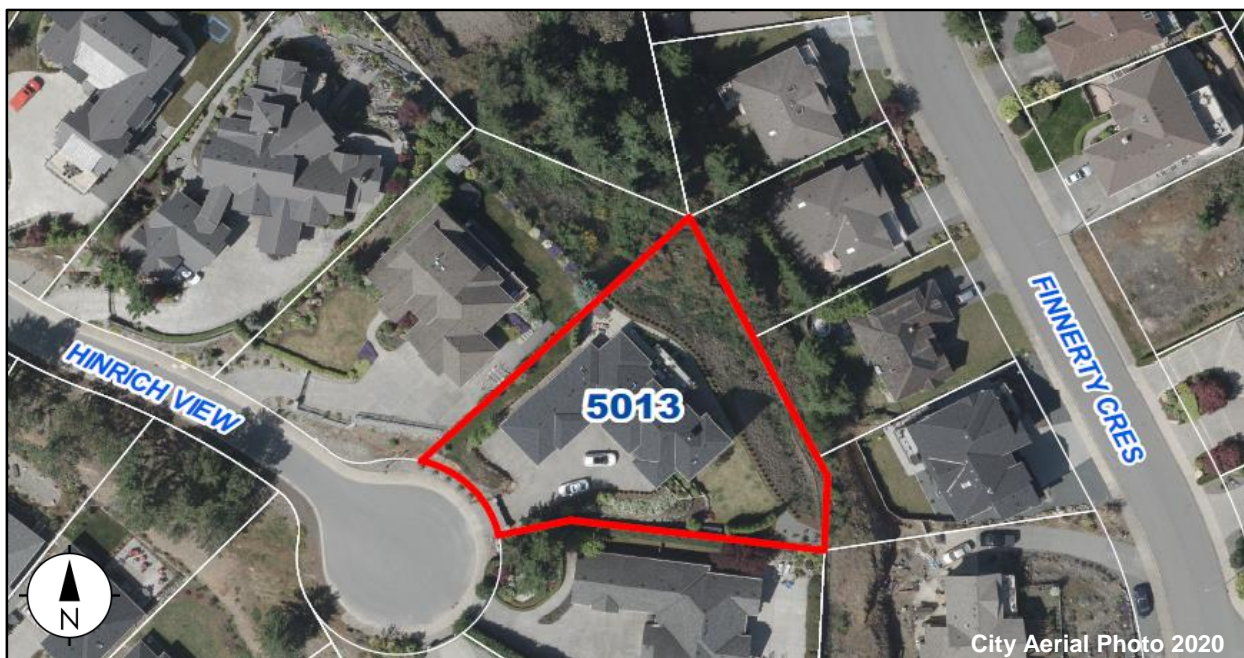
R6 – Low Density Residential

City Plan Future Land Use Designation:

Suburban Neighbourhood

Lot Area:

1,897m²



OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to increase the maximum fence and retaining wall height to allow the construction of a deck with a swimming pool. |

Recommendation

That Council issue Development Variance Permit No. DVP442 at 5013 Hinrich View to allow the construction of an over height retaining wall with a variance as outlined in the "Proposed Variances" section of the Staff Report dated 2023-FEB-27.

BACKGROUND

A development variance permit application, DVP442, was received from Anturas Projects Inc., to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum allowable fence height to allow the construction of an over height retaining wall for a swimming pool with related improvements for an existing single family dwelling.

Subject Property & Site Context

The subject property slopes downward (6m) to the rear property line. The existing single family dwelling is located on the upper plateau and the rear yard slopes significantly. The property is located at the end of Hinrich View, within the Rocky Point – Hammond Bay – Stephenson Point Neighbourhood, and is surrounded by single family dwellings.

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

DISCUSSION

Proposed Development

The applicant proposes to extend the existing deck on the rear side of the dwelling with additional deck space and swimming pool. The swimming pool includes an infinity edge and a lower step with a recirculation reservoir.

The proposed swimming pool is supported by a concrete retaining wall, and the area below the swimming pool and deck will be enclosed with wood screening to screen the storage and mechanicals beneath the pool.

Proposed Variances

Maximum Fence Height

The maximum fence height for a retaining wall in the R1 zone is 2.4m within the rear yard setback and 3.0m outside the required setback. The proposed retaining wall height in the rear yard setback is 5.81m. This represents a variance of 3.41m. The proposed retaining wall height outside the required setbacks is 4.54m. This represents a variance of 1.54m.

The proposed development would result in improved access to the slope on the rear side of the property and provide additional outdoor living space. Drought-tolerant and low-maintenance vegetation is proposed on the slope to assist in providing additional screening of the retaining wall, which steps back on the slope. A Geotechnical Assessment was provided in support of the application and the applicant has provided letters of support from neighbouring property owners at 5019 and 5006 Hinrich View, as well as 4873 and 4881 Finnerty Crescent.

Staff support the proposed variance to allow the construction of an over height retaining wall to support a swimming pool. |

SUMMARY POINTS

- Development Variance Permit No. DVP442 proposes to increase the allowable fence height for a retaining wall in the rear yard setback from 2.4m to 5.81m and outside the required setback from 3.0m to 4.54m.
- The applicant has submitted letters of support from neighbouring property owners.
- Staff support the proposed variances.

ATTACHMENTS:

ATTACHMENT A: Permit and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Pool Elevations and Cross Sections
ATTACHMENT E: Renderings |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services /
Deputy CAO |