

DATE OF MEETING June 19, 2023

AUTHORED BY KIRSTEN DAFOE, PLANNING ASSISTANT, CURRENT PLANNING

**SUBJECT DEVELOPMENT PERMIT APPLICATION NO. DP1304 – 4157
VERTE PLACE**



Proposal:

Amendment to DP1161 to include retaining wall height variances.

Zoning:

R6 – Low Density Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Development Permit Areas:

DPA8 – Form and Character

Lot Area:

7,355m²

DP



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application for an amendment to DP1161 to include retaining wall height variances at 4157 Verte Place.

Recommendation

That Council issue Development Permit No. DP1304 for an amendment to DP1161 to allow an over-height retaining wall at 4157 Verte Place with the variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-JUN-19.

BACKGROUND

A development permit application, DP1304, was received from DGC Holdings Corp. to amend the previously issued DP1161 and vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") in order to increase the maximum permitted fence height for a retaining wall.

Development Permit No. DP1161 was previously approved by Delegated Authority on 2020-JUL-16 for a three-storey multi-family building consisting of 27 dwelling units at 4157 Verte Place. At the time, the conceptual plans demonstrated that the tiered retaining wall along the north property line (abutting Jingle Pot Road) could comply with the height restrictions in the Zoning Bylaw, with the tiers being structurally independent from one another for the purposes of calculating the wall height. Subsequently, building permits for the building and retaining wall were issued and construction commenced. Through construction, it was determined that the tiered walls were not structurally independent and are considered a single retaining wall structure, which exceeds the maximum height permitted by the Zoning Bylaw. In addition, surveying of the retaining wall on the north side of the building, within the side yard setback, found that the retaining wall exceeds the maximum height permitted. Therefore, the applicant has applied to amend the approved development permit (DP) plans to permit an over-height retaining wall.

Subject Property and Site Context

The subject property has frontages on both Verte Place and Jingle Pot Road, and has been graded to sit substantially lower than the elevation of Jingle Pot Road. The surrounding neighbourhood includes a mix of single residential dwellings and multiple family developments, while industrially zoned properties are located across Jingle Pot Road.

DISCUSSION

The tiered portion of the retaining wall was constructed on the north side of the building, abutting Jingle Pot Road. The retaining wall then continues along the east side yard as a single tier structure abutting a public walkway through the property.

The two-tiered retaining wall is cast-in-place concrete with two terraces that are backfilled to create vegetation planting beds, with a 1.8m wide landscape buffer between the wall tiers. A 1.02m high cedar fence was installed on the upper tier adjacent to the sidewalk on Jingle Pot

Road. The tiered wall is located within the required flanking side yard setback area and was constructed to a combined wall/fence height of 4.25m.

The side yard retaining wall supports a public walkway, including a concrete staircase. It is also cast-in-place concrete and is topped by a 1.02m high cedar fence. The retaining wall is located within the required side yard setback area and was constructed to a combined wall/fence height 3.79m.

Proposed Variances

The maximum permitted fence height within the required flanking side yard is 1.8m. The applicant proposes to increase the maximum permitted combined wall/fence height to 4.25m. This is a variance of 2.45m.

The maximum permitted fence height within the required side yard is 2.4m. The applicant proposes to increase the maximum permitted combined wall/fence height to 3.79m. This is a variance of 1.39m.

The variances will allow the walls/fencing to remain as constructed, being structurally inter-dependent. No other changes are proposed to the walls, and the overall project is still considered substantially compliant with the approved form and character development permit (DP1161).

Staff support the proposed variances. |

SUMMARY POINTS

- Development Permit Application No. DP1304 is for an amendment to DP1161 to allow an over-height retaining wall.
- Variances are requested to increase the maximum permitted fence height in the required side and flanking side yards. |

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Retaining Wall Survey Plan |

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

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Director, Development Approvals

Dale Lindsay
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/ Deputy CAO