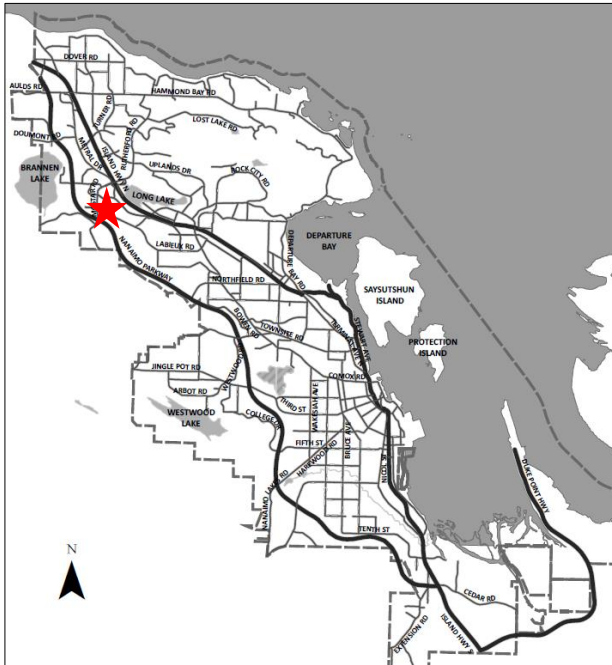


DATE OF MEETING | November 6, 2023

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1305 – 4745 LEDGERWOOD ROAD**



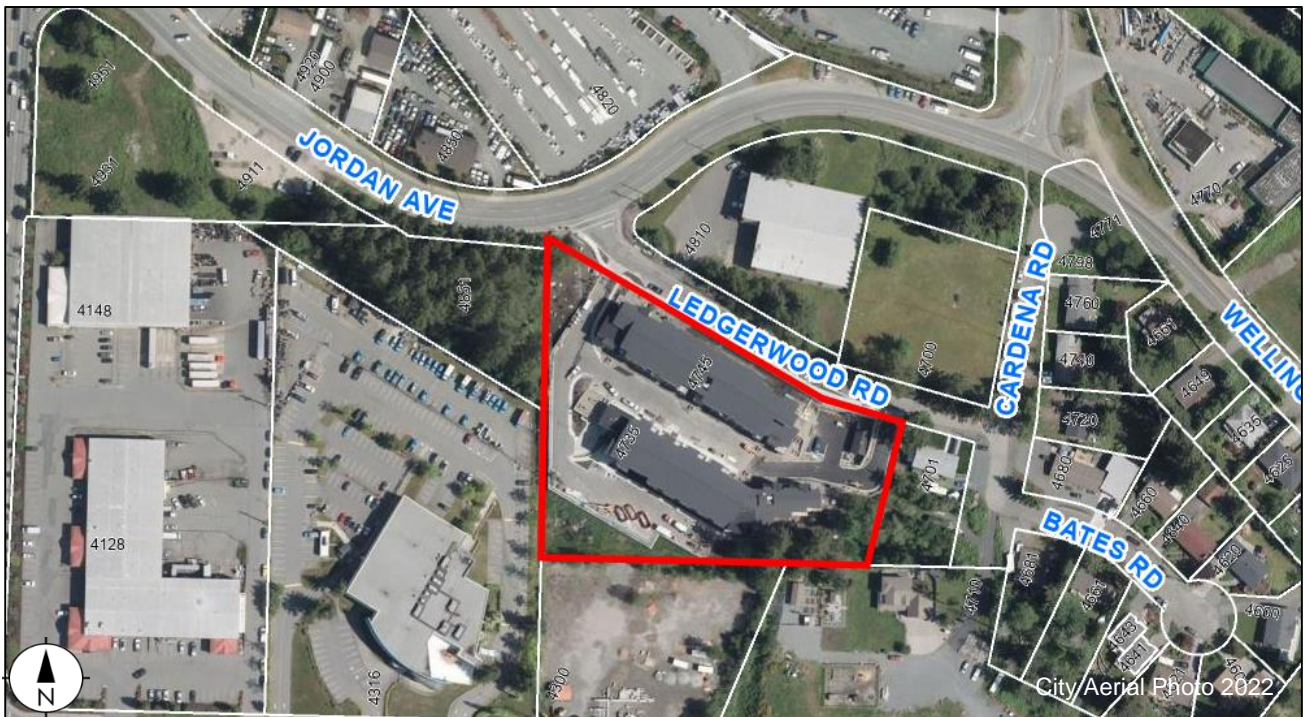
Proposal:
To allow overhead retaining walls

Zoning:
R8 – Medium Density Residential

City Plan Land Use Designation:
Neighbourhood

Development Permit Areas:
DPA8 – Form & Character

Lot Area:
1.28ha



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit amendment application for overheight retaining walls at 4745 Ledgerwood Road.

Recommendation

That Council issue Development Permit No. DP1305 for overheight retaining walls at 4745 Ledgerwood Road with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-NOV-06.

BACKGROUND

A development permit application, DP1305, was received from WestUrban Developments Ltd. to amend the previously issued Development Permit No. DP1122, with variances to the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") in order to increase the maximum allowable height for retaining walls at 4745 Ledgerwood Road.

Development Permit No. DP1122 for a multi-family residential development was approved by Council on 2019-JUN-17 and included the following retaining wall height variances:

1. to increase the maximum allowable height from 1.2m to 3.66m in the front yard setback;
2. to increase the maximum allowable height from 2.4m up to 6.06m in the side and rear yard setbacks; and,
3. to increase the maximum allowable height outside of the yard setback from 3.0m to 3.83m.

The applicant has subsequently completed the development and determined that some of the retaining walls as built exceed the height previously approved through DP1122. As such, a DP amendment is required to permit the overheight retaining walls as constructed.

Subject Property and Site Context

The subject property is located on Ledgerwood Road in the western portion of the Wellington Neighbourhood. The site contains two multi-family residential buildings, with a combined total of 120 dwelling units, that were completed in 2022. Adjacent properties include a single residential dwelling to the east, a park to the northwest, and industrial properties to the north, west, and south.

DISCUSSION

Proposed Development

The site is steeply sloping, dropping from an elevation of 127m at the street level in the northeast to an elevation of 110m at the lowest point in the southwest. A number of retaining walls have been constructed on site, as shown in the retaining wall height survey (Attachment C), that terrace site elements including buildings, drive aisles, walkways, and parking lots.

There are two completed retaining walls that do not conform with the approved DP heights as highlighted in Attachment D and are described below.

Variance Wall #1

A cast-in-place concrete and concrete block wall that is in the front yard setback and extends outside of the yard setback, with a height of up to 4.4m. A variance for this wall was approved under DP1122 with a height of 3.83m. The wall faces internal to the site, and separates a lower parking lot from the street level.

Variance Wall #2

A concrete block wall that is in the side yard setback and extends outside of the yard setback, with a height of up to 3.9m. No variance was previously approved for this wall. The wall faces south inside the site, and separates a drive aisle from a playground / amenity space.

For comparison, the largest completed retaining wall on-site has a height of 6.0m along the west property line and is less than maximum 6.06m permitted through DP1122. While the overall project is considered to be in substantial compliance with the approved form and character DP, an amendment is required to address the additional height of the above-noted walls.

Proposed Variances

Maximum Allowable Fence Height

The Zoning Bylaw regulates retaining wall height under fence height and considers the total maximum combined height of any retaining wall and fence. The maximum allowable fence heights in the R8 zone are 1.2m within a front yard setback, 2.4m within a side yard setback, and 3.0m outside of a yard setback. The requested variances are as described below.

1. Variance Wall #1 has a height of 4.4m, a requested variance of 3.2m in the front yard setback and 1.4m outside of the yard setback.
2. Variance Wall #2 has a height of 3.9m, a requested variance of 1.5m in the side yard setback and 0.9m outside of the yard setback.

Variance Wall #1 is below the adjacent sidewalk and drive aisle and will not have a visual impact on the public street. The only identified off-site impact is a portion of Variance Wall #2 which is visible from the property to the east, however much of this wall is screened by vegetation and trees.

The walls were necessary to address grading on the steeply sloping site. While the previous DP1122 anticipated and approved some variances, additional overheight walls were only determined to be non-conforming upon final height survey of the walls. The proposed variances will allow the retaining walls to remain as constructed without further manipulation to the site that could impact landscaping, parking, and amenity spaces. Staff support the proposed variances. |

SUMMARY POINTS

- Development Permit Application No. DP1305 proposes to amend previously issued DP1122 and permit overheight retaining walls.
- Variances are requested to increase the maximum permitted retaining wall heights in a front yard setback from 1.2m to 4.4m, in a side yard setback from 2.4m to 3.9m, and outside of yard setback from 3.0m to 4.4m.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Retaining Wall Height Survey
ATTACHMENT D: Previously Approved Landscape Plan
ATTACHMENT E: Context Photos

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development