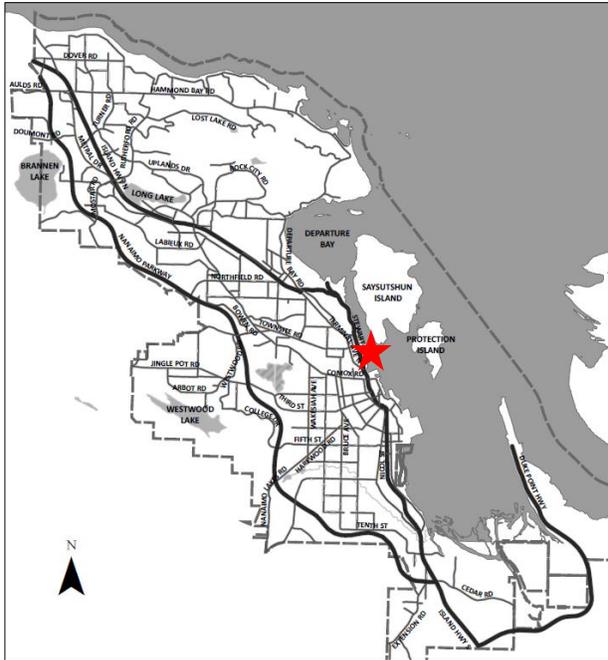


DATE OF MEETING | November 20, 2023

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1303 – 30 MT
BENSON STREET**



Proposal:

To allow an overheight privacy wall and retaining wall

Zoning:

R8 – Medium Density Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Development Permit Areas:

DPA8 – Form & Character

Lot Area:

1,618m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit amendment application for overheight walls at 30 Mt Benson Street.

Recommendation

That Council issue Development Permit No. DP1303 for an overheight privacy wall and retaining wall at 30 Mt Benson Street with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2023-NOV-20.

BACKGROUND

A development permit application, DP1303, was received from Don Saywell Developments Ltd., on behalf of D Robinson Holdings Ltd., to amend the previously issued Development Permit No. DP1181, 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 a fence in the side yard setback at 30 Mt Benson Street.

Development Permit No. DP1181 was approved on 2020-SEP-30 for an external renovation to an existing multi-family residential building and included the redevelopment of the perimeter landscaping. The applicant has substantially completed the building renovations and much of the landscaping. During construction, a fence was removed and replaced with an overheight privacy wall which requires an amendment to DP1181 and a height variance.

Subject Property and Site Context

The subject property is located in the Newcastle Neighbourhood at the intersection of Mt Benson Street and Newcastle Avenue, directly across from the Waterfront Walkway. Neighbouring uses include single residential dwellings to the north and west, and an eight-storey multi-family residential building across Mt Benson Street to the south. A development permit for a 17-unit residential project, DP1234, was approved in 2022 for the property at 345 Newcastle Avenue to the north.

DISCUSSION

Proposed Development

A privacy wall has been constructed to enclose a private ground-level patio on the north side of the building that was originally proposed to be fenced. Given the grade change onsite, the privacy wall has been constructed on top of a retaining wall on the north property line. Additional terraced retaining walls face Newcastle Avenue to the east. The wall consists of a stucco material that matches the cladding of the building, and a window facing Newcastle Avenue has been installed to provide transparency and mitigate a blank wall. A gated pedestrian connection between the patio and the street shown in DP1181 has not been constructed due to security concerns; however, alternate access is provided via a private staircase that connects the patio with the parking lot to the rear.

Proposed Variance

Maximum Allowable Fence Height

The Zoning Bylaw considers an exterior privacy wall as a fence, and fence height is measured as the combined height of a fence and any underlying retaining wall. The maximum allowable fence height in the side yard in the R8 zone is 2.4m. The combined retaining wall and privacy wall height at its highest point is 4.0m, a requested variance of 1.6m.

In order to mitigate the visual impact of the wall, the applicant will be providing additional landscaping in the terraced retaining wall facing Newcastle Avenue. The wall provides privacy for residents, and the design complements the existing development. The adjacent property owner to the north has indicated they are supportive of the height variance.

Staff support the proposed variance.

SUMMARY POINTS

- Development Permit Application No. DP1303 proposes to amend previously issued DP1181 and permit an overheight privacy wall and retaining wall.
- A variance is requested to increase the maximum permitted fence and retaining wall height in a side yard setback from 2.4m to 4.0m.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Elevations
ATTACHMENT E: Context Photos

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development