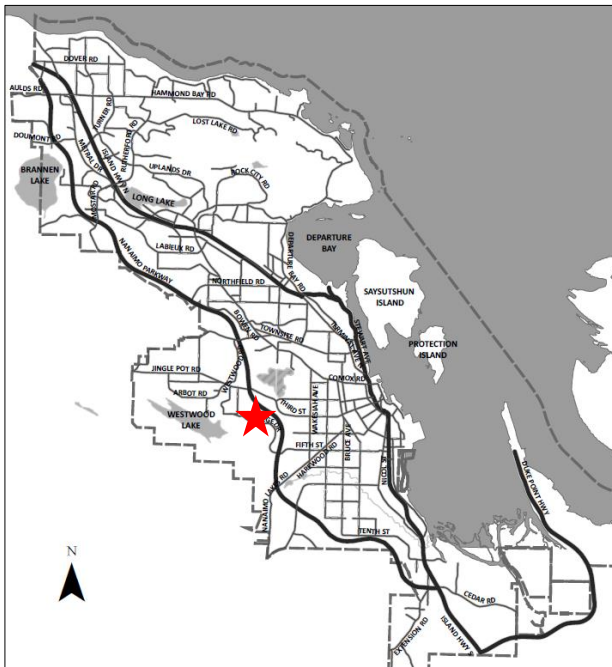


DATE OF MEETING | May 5, 2025 |

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING |

**SUBJECT**                      **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP472 –  
1234 OKANAGAN PLACE**



**Proposal:**

Variance to height for combined fence and retaining walls

**Zoning:**

R5 – Three and Four Unit Residential

**City Plan Land Use Designation:**

Suburban Neighbourhood

**Lot Area:**

1,389m<sup>2</sup>

**DVP**



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration a development variance permit application to increase the maximum allowable height for combined fence and retaining walls at 1234 Okanagan Place.

### **Recommendation**

That Council issue Development Variance Permit No. DVP472, with the conditions outlined in Attachment A, to increase the maximum allowable height for combined fence and retaining walls at 1234 Okanagan Place with variances as outlined in the "Proposed Variance" section of the Staff Report dated 2025-MAY-05.

## **BACKGROUND**

A development variance permit application was received from Dover Bay Construction, on behalf of Michael Seldenrich, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum allowable height for combined fence and retaining walls to facilitate the construction of an outdoor sports court in the rear yard of a residential property.

### **Subject Property and Site Context**

The subject property is located within the Westwood neighbourhood, west of the Nanaimo Parkway. The property is a through-lot that abuts Okanagan Place to the south and Tralee Road, an unconstructed road used for a public pedestrian trail, to the north. The lot sits approximately 93m above the Nanaimo Parkway. The surrounding neighbourhood includes primarily single family residential development, with Tralee Park located to the east and Westwood Lake Park located to the west of the property.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a fenced outdoor sports court in the rear yard of the subject property behind an existing dwelling. The sports court will be enclosed with a 3.0m high chain-link fence. The surface is proposed to be permeable and four 3.0m tall LED downlit pole lights are proposed around the perimeter of the court.

To facilitate this development, the applicant proposes to remove the existing cedar hedges located along the property lines as well as four maple trees. It is anticipated that approximately 280yd<sup>3</sup> of fill will be imported onto the site in order to level the existing slope and achieve a flat grade. Poured in-place concrete retaining walls and a 2.0m high cedar fence on top are proposed along each of the property lines outside of the fenced sports court.

## Proposed Variances

### *Fence/Retaining Wall Height*

In the Zoning Bylaw, retaining walls are considered fences for the purposes of determining height. The total height is measured from the finished grade on the low side of the retaining wall to the top of the fence.

The maximum permitted height for a combined fence and retaining wall in the front yard in the R5 zone is 1.2m. The proposed height for a fence/retaining wall in the front yard facing Tralee Road is 4.43m, a requested variance of 3.23m.

The maximum permitted height for a combined fence and retaining wall in the side yard in the R5 zone is 2.4m. The proposed height for a combined fence and retaining wall in the side yard (east) is 4.34m, a requested variance of 1.94m. The proposed height for a fence/retaining wall in the side yard (west) is 3.10m, a requested variance of 0.70m.

The applicant has requested the variance to construct retaining walls to retain proposed fill which is required to facilitate the leveling of the yard area to construct a fenced outdoor sports court.

Letters of support for the project were received from the neighbouring property owners at 1236 and 1232 Okanagan Place.

Staff have identified concerns regarding the proposed drainage, the impact of anticipated light pollution, as well as the noise and aesthetic impacts of the overheight retaining walls on the surrounding neighbourhood. It was identified by the City's Development Engineering Section and Parks Operations Section that the proposed retaining wall design with weep holes would allow for water to drain from the subject property on to neighbouring lands, including the pedestrian trail on Tralee Road. Staff have requested a stormwater management plan and revised retaining wall elevations that demonstrate how drainage will occur on-site and not direct water flow onto neighbouring properties. Additional assessment by an arborist is also required to determine the impact of the proposed project on the surrounding trees on adjacent properties.

The applicant has requested the application be brought for Council consideration in advance of submitting further items for technical analysis. While the variances are limited to addressing the height of the combined fence and retaining walls, the proposed sports court could result in nuisances and off-site impacts. Should Council support the application, Staff recommend approval with the conditions outlined in Attachment A. |

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP472 is to increase the maximum allowable height for the combined fence and retaining walls at 1234 Okanagan Place.
- The applicant has provided letters of support from immediate neighbours.
- Should Council support the application, Staff recommend approval with the conditions outlined in Attachment A. |

## **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Proposed Site Plan  
ATTACHMENT D: Retaining Wall Sections  
ATTACHMENT E: Proposed Sports Court Rendering |

### **Submitted by:**

Lainya Rowett  
Manager, Current Planning|

### **Concurrence by:**

Jeremy Holm  
Director, Planning & Development|