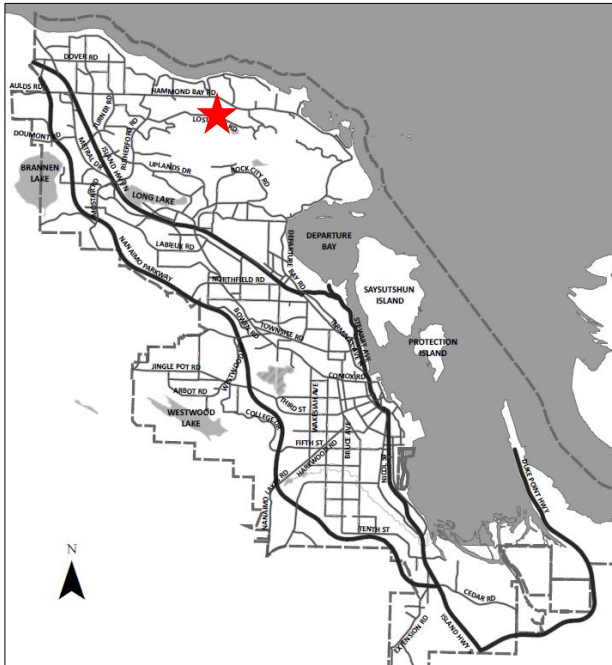


DATE OF MEETING | October 20, 2025

AUTHORED BY | VIDHI KYADA, PLANNING TECHNICIAN, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP486 –
5160 UNIVERSAL PLACE**



Proposal:

Fence height variance

Zoning:

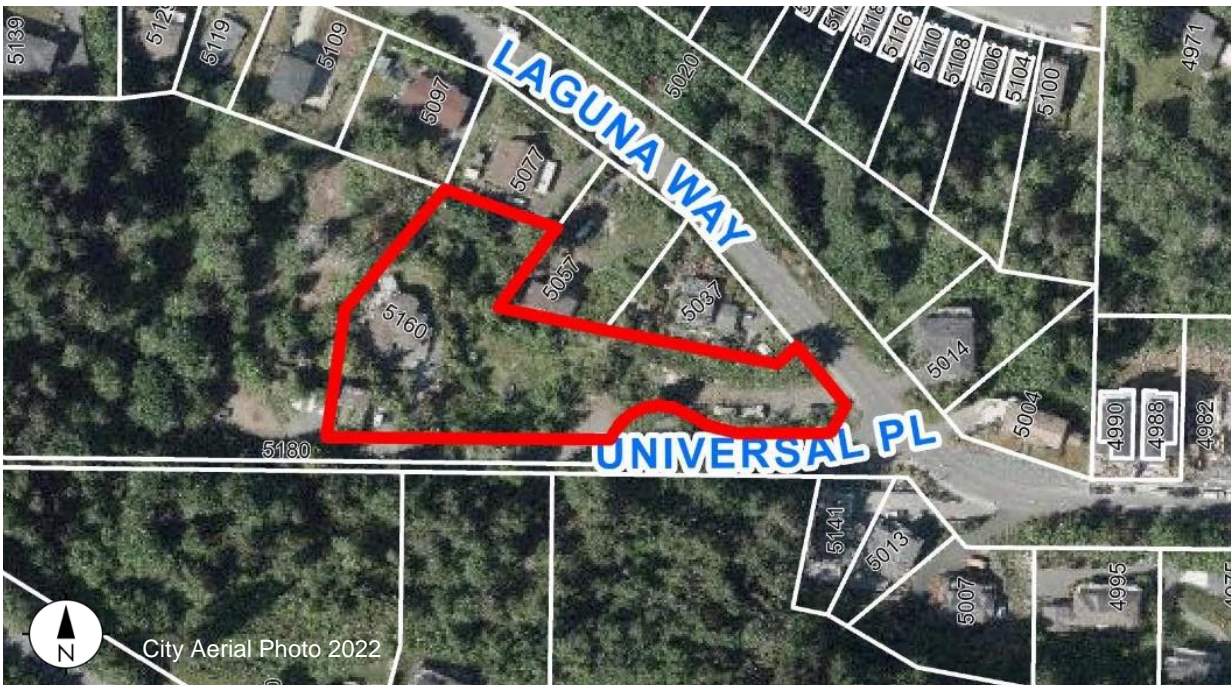
R10 – Steep Slope Residential

City Plan Land Use Designation:

Suburban Neighbourhood

Lot Area:

5,651m²



OVERVIEW

Purpose of Report

To present for Council's consideration a development variance permit application to allow the construction of an over height retaining wall at 5160 Universal Place.

Recommendation

That Council issue Development Variance Permit No. DVP486 for the construction of an over height retaining wall at 5160 Universal Place with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2025-OCT-20.

BACKGROUND

A development variance permit application, DVP486, was received from PlanUrban Land Use Consultants, on behalf of Robert and Brenda Smith to vary the provisions of "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 in the side yard setback at 5160 Universal Place.

Subject Property and Site Context

The subject property is located at the intersection of Laguna Way and Universal Place, situated between the Lost Lake and Hammond Bay neighbourhoods. The property currently contains a single residential dwelling and a detached garage. The surrounding neighbourhood includes low-density residential development and Laguna 2 Park to the northeast of the subject property.

A Building Permit application (BP130412) was received in October 2024 for the construction of an engineered block retaining wall. During the building permit process, it was determined that the portions of the proposed retaining wall exceed the maximum allowable height. As a result, a Development Variance Permit is required to allow the over height wall as constructed.

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

DISCUSSION

Proposed Development

The applicant is proposing an engineered block retaining wall within the side yard to create buildable area to support the future development of a second dwelling unit on the lot. The sloping topography and site conditions are such that the wall is screened from street view and fits within the steep slope character of the neighbourhood. The retaining wall will also be screened by landscape plantings along the foot of the wall.

Proposed Variance

Maximum Fence Height

The maximum permitted height of a retaining wall or fence in the R10 zone within a side yard setback is 2.4m. The proposed height of a retaining wall varies from 0.41m to 3.84m, a requested maximum variance of 1.44m.

The applicant has requested the variance to create a buildable area to facilitate future development of a second dwelling unit.

Staff support the proposed variance as the retaining wall does not result in inappropriate development of the site or adversely affect the natural sloping environment. No negative impacts to the adjacent property are anticipated and a letter of support from the neighbouring property to the north at 5037 Laguna Way was submitted in support of the application.

SUMMARY POINTS

- Development Variance Permit Application No. DVP486 is for an over height retaining wall within the north side yard at 5160 Universal Place.
- No negative impacts to the adjacent property are anticipated and a letter of support from the neighbouring property at 5037 Laguna Way was submitted in support of the application.
- Staff support the proposed variance.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Site Survey
ATTACHMENT D: Retaining Wall Section

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development