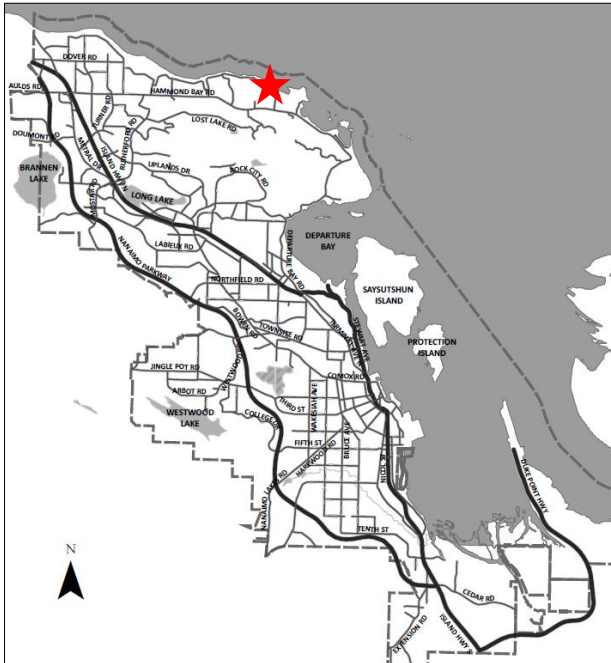


FOR: COUNCIL MEETING  
 MEETING DATE: February 2, 2026  
 DEPARTMENT: PLANNING AND DEVELOPMENT  
 SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP00490 – 4834 SHORECLIFF POINT**



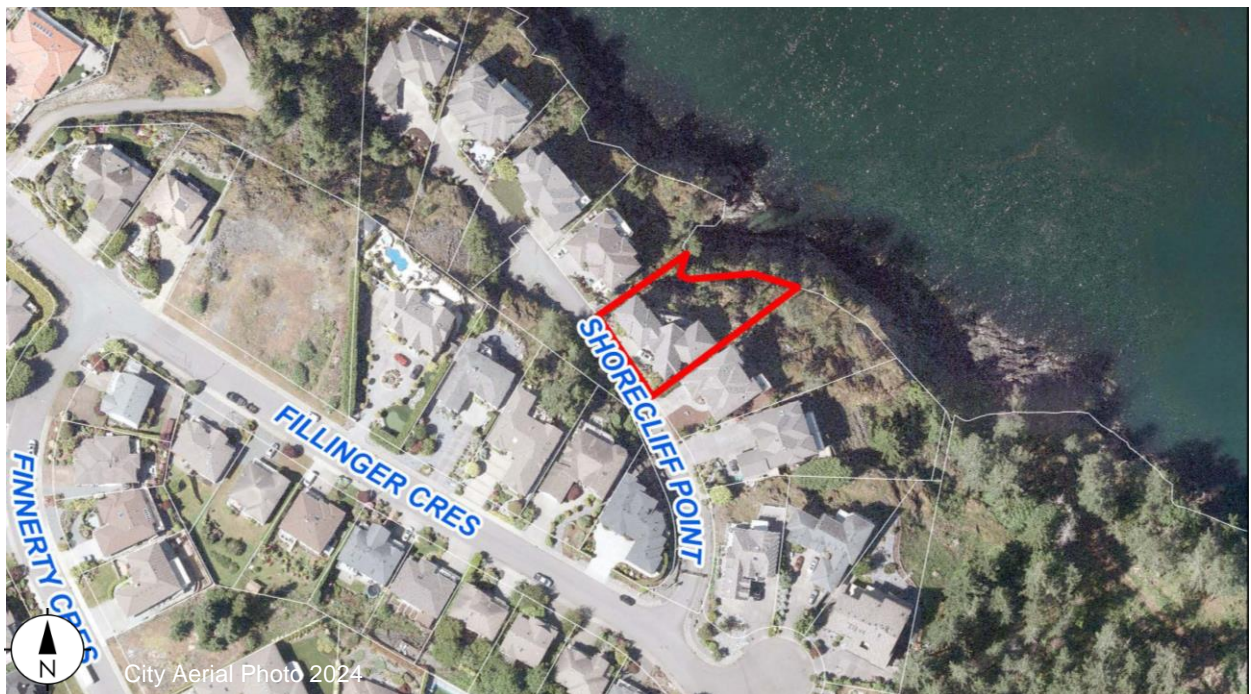
**Proposal:**  
 Variance to allow overheight fencing on existing retaining walls



**Zoning:**  
 R5 – Three and Four Unit Residential

**City Plan Land Use Designation:**  
 Suburban Neighbourhood

**Lot Area:**  
 1,191m<sup>2</sup>



## OVERVIEW

### **Purpose of Report**

To present for Council's consideration a development variance permit application for proposed overheight fencing on existing retaining walls at 4834 Shorecliff Point.

### **Recommendation**

That Council issue Development Variance Permit No. DVP490 for overheight fencing on existing retaining walls at 4834 Shorecliff Point with variances as outlined in the "Proposed Variances" section of the Staff Report dated 2026-FEB-02.

## BACKGROUND

A development variance permit application, DVP490, was received from Turner & Associates Land Surveying Inc. on behalf of Robert and Sabina Reey, to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw"), to permit overheight fencing on existing retaining walls within the front and south side yard setbacks for a residential property at 4834 Shorecliff Point.

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

The subject property is a waterfront strata lot located within an established gated development in the Rocky Point neighbourhood. The property currently consists of a single residential dwelling. The site has steep topography that slopes down toward the ocean, which required the construction of retaining walls during the initial construction of the house. The surrounding neighbourhood includes low-density residential development, as well as Rocky Point Park, Walley Creek Trail, Neck Point Park and the Greater Nanaimo Pollution Control Centre.

## DISCUSSION

### **Proposed Development**

The applicant is proposing to construct 1.6m high metal transparent fencing on top of the existing retaining walls that support the landscaped areas within the front and side yard setbacks. The retaining walls vary in height from 0.9m to 1.6m, which would only allow for a low fence of 0.3m to 0.8m in height under current regulations. The applicant has requested a variance to allow taller fencing to effectively protect the landscape areas from wildlife.

### **Proposed Variances**

#### *Fence Height*

The maximum permitted height of a retaining wall or fence (or combined retaining wall and fence) in the R5 zone within a front yard setback is 1.2m and 2.4m within a side yard setback.

The applicant has requested the following variances:

- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 1.6m, a requested variance of 0.4m.

- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 2.8m along the driveway, a requested variance of 1.6m.
- To increase the maximum height of a combined retaining wall and fence within the front yard setback from 1.2m to 3.0m at the southern corner of the property, a requested variance of 1.8m.
- To increase the maximum height of a combined retaining wall and fence within the south side yard setback from 2.4m to 3.0m, a requested variance of 0.6m.

The City of Nanaimo's Consideration of Variances Policy outlines considerations for evaluating Development Variance Permit applications such as land use justification, and potential aesthetic, functional, or environmental impacts. The applicant has provided the following rationale demonstrating how they can address these considerations:

- The proposed fence does not negatively impact neighbouring properties in terms of view, access to light, privacy, or enjoyment of their space.
- The property is currently enclosed by a temporary fence to keep out local wildlife (deer), and the variance request would allow permanent fencing to be installed that complements the community's aesthetic.
- A fence constructed to the maximum permitted height under the zoning bylaw would not effectively prevent wildlife intrusion.

Staff support the proposed variances as the fence does not result in inappropriate development of the site. No negative impacts are anticipated on adjacent properties or views from neighbouring lots given the sloping topography; and a letter of support from the neighbouring property to the north at 4838 Shorecliff Point was submitted in support of the application. Additionally, the proposed transparent metal mesh fence design will minimize intrusion into the landscaped areas and complement the character of the neighbourhood.

### **COMMUNICATION AND COMMUNITY ENGAGEMENT**

Pursuant to Section 499 of the *Local Government Act*, notification for the proposed Development Variance Permit No. DVP490 was mailed on 2026-JAN-22 to property owners/residents within 10m of the subject property. |

#### **KEY MESSAGES**

- Development Variance Permit Application No. DVP490 is for overheight fencing on existing retaining walls within the front and south side yard setback at 4834 Shorecliff Point.
- No negative impacts to the adjacent property are anticipated and a letter of support from the neighbouring property at 4838 Shorecliff Point was submitted in support of the application.
- Staff support the proposed variances. |

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map

ATTACHMENT C: Site Survey  
ATTACHMENT D: Fence Elevation  
ATTACHMENT E: Site Photos

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