

DATE OF MEETING July 10, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND SUBDIVISION

SUBJECT DEVELOPMENT VARIANCE PERMIT NO. DVP315 – 3583 HAMMOND BAY ROAD

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to allow the construction of two over-height retaining walls at 3583 Hammond Bay Road.

Recommendation

That Council issue Development Variance Permit No. DVP315 at 3583 Hammond Bay Road with the following variance:

- increase the maximum combined fence height for two front yard retaining walls from 1.2m to 3.2m.

BACKGROUND

A development variance permit application, DVP315, was received from Mr. Ronald Cotton to vary the provisions of the City of Nanaimo "Zoning Bylaw 2011 No. 4500" to construct two over-height retaining walls at 3583 Hammond Bay Road.

Subject Property

<i>Zoning</i>	R1 – Single Dwelling Residential
<i>Location</i>	The subject property is located on the west side of Hammond Bay Road near the Chinook Road intersection by Pipers Lagoon Park
<i>Total Lot Area</i>	1,609m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use - Neighbourhood

The subject property is a steeply sloping lot in an existing single dwelling residential neighbourhood.

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

DISCUSSION

Proposed Development

The City of Nanaimo "Zoning Bylaw 2011 No. 4500" considers a retaining wall to be a fence for the purposes of regulating height. Additionally, if two or more retaining walls are determined to

function interdependently to retain the slope, the height is measured from the finished grade at the bottom of the lowest retaining wall to the top of the highest retaining wall.

The proposed development includes two 1.65m high retaining walls along the front of the subject property to replace a series of existing retaining walls that are failing. The retaining walls will support the slope and driveway and enable safe maintenance of the area between the walls. The retaining walls function interdependently to support the slope; therefore, the combined retaining wall height is 3.2m.

The applicant was issued a tree removal permit (TRP00943) to remove multiple trees in order to rebuild the retaining walls to stabilize the bank. As a condition of the tree removal permit, the owner must plant 20 replacement trees on this bank once the new retaining walls are constructed.

The applicant's Letter of Rationale is included as Attachment E.

PROPOSED VARIANCE

Maximum Fence Height (Front Yard)

The maximum permitted fence height for a retaining wall located in a front yard is 1.2m. The proposed total height of the two retaining walls is 3.2m, a proposed variance of 2m.

The proposed retaining wall height is necessary to adequately retain the slope and driveway access to the property and was designed by a geotechnical engineer. The retaining wall design and location will not preclude the City from achieving the future road cross-section on Hammond Bay Road. The terracing of the walls and the required tree replacements on the slope will reduce the visual impact of the proposed retaining walls from the street.

SUMMARY POINTS

- Development Variance Permit No. DVP315 proposes a variance to increase the maximum allowable height for two retaining walls in the front yard.
- The retaining walls are required to replace an existing retaining wall that is failing.
- The walls are terraced to reduce the visual impact of the retaining wall from neighbouring properties and to allow planting of replacement trees in between the wall.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan & Cross Section
ATTACHMENT D: Context Photos
ATTACHMENT E: Letter of Rationale
ATTACHMENT F: Aerial Photo

Submitted by:



L. Rowett
Manager, Current Planning and
Subdivision

Concurrence by:



D. Lindsay
Director, Community Development

**ATTACHMENT A
PERMIT TERMS AND CONDITIONS**

TERMS OF PERMIT

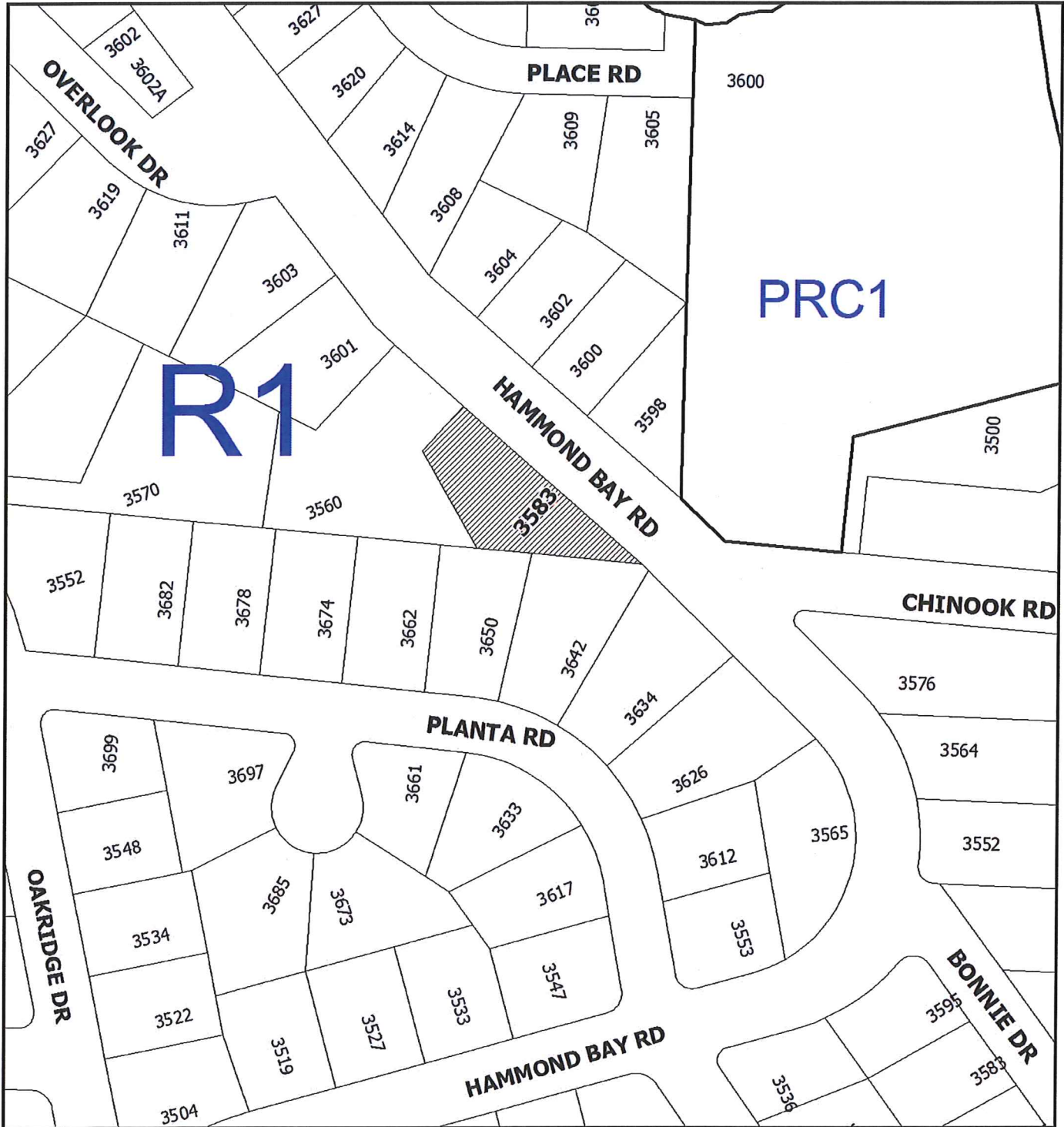
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.10.2* – increase the maximum front yard fence height from 1.2m to 3.2m, as measured from the finished grade at the bottom of the lowest retaining wall to the top of the highest retaining wall, to allow the proposed retaining walls on the subject property.

CONDITIONS OF PERMIT

1. The subject properties shall be developed in accordance with the site plan and retaining wall cross section prepared by Lewkowich Engineering Associates Ltd., dated 2017-JUN-16, as shown on Attachment C.

ATTACHMENT B
LOCATION PLAN



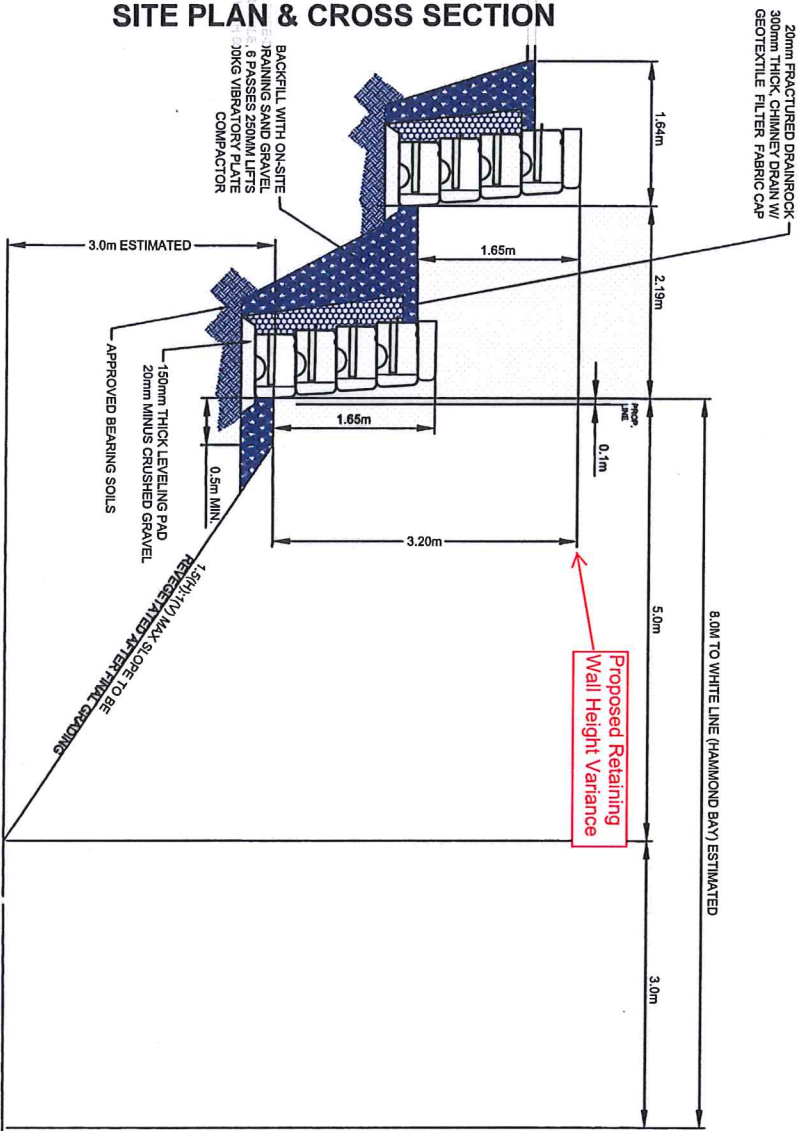
DEVELOPMENT VARIANCE PERMIT NO. DVP00315

LOCATION PLAN

Civic: 3583 Hammond Bay Road
Lot 2, District Lot 39, Wellington District,
Plan 24613

 **Subject Property**

ATTACHMENT C SITE PLAN & CROSS SECTION



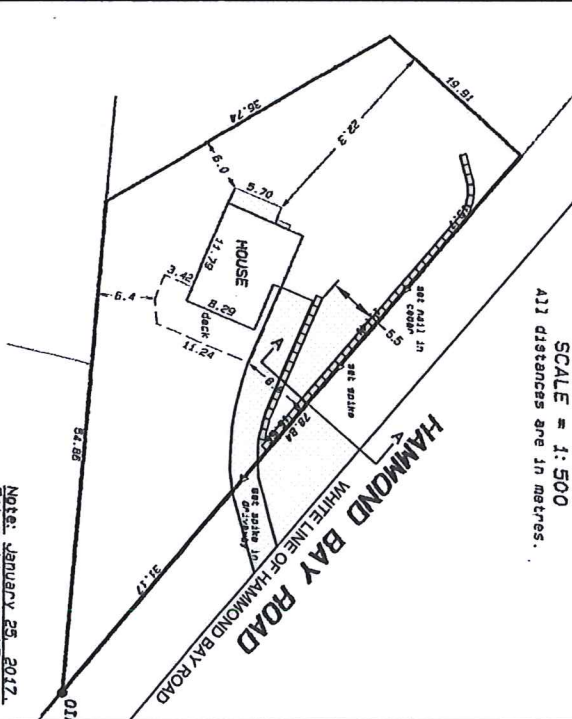
- NOTES:
1. RED-ROCK 28" DEEP INTERLOCKING BLOCKS
 2. SCH B-C, GEOTECHNICAL QUALITY ASSURANCE REQUIRED FOR BEARING SOILS, BACK FILL AND DRAINAGE.
 3. ALL CHANGES MUST BE APPROVED BY THE GEOTECHNICAL ENGINEER

SECTION A-A
Scale: 1:25

REV. No.	DATE	BY	REVISION DESCRIPTION	LEGEND
01	June 16-17 JH	CH	ADD OVERALL HEIGHT DIMENSION	

DRAWING TITLE	RED-ROCK RETAINING WALLS
PROJECT NAME	FRONT YARD IMPROVEMENTS
LEGAL DESCRIPTION	3693 HAMMOND BAY ROAD, NANAIMO, BC

**B. C. LAND SURVEYOR'S CERTIFICATE OF LOT
OF HOUSE ON LOT 2, PLAN 24613,
D. L. 39, WELLINGTON DISTRICT.**



pythies & Associates ©
Planners & Engineers
F318: WL-38-GEN
1890

SITE PLAN
Scale: 1:500

RECEIVED
DVP315
2017-JUN-16
Current Planning & Submission

ENGINEER'S SEAL/STAMP

PROJECT No. F4482

DATE: MAY 11-17

SCALE: AS NOTED

DRAWN BY: JH

PROJECT No. F4482

DRAWING No. 01

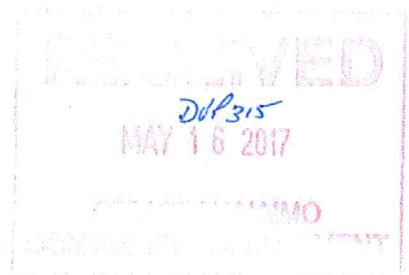
LEA
Lewkovich
Engineering
Associates Ltd.

ATTACHMENT D
CONTEXT PHOTOS

Appendix
Materials used to construct the wall from Nanaimo Precast.



3583 Hammond Bay Road



ATTACHMENT E
LETTER OF RATIONALE

1 of 2



Ron and Carrie
Cotton
3583 Hammond
Bay Road
Nanaimo BC V9T
1E8

May 10, 2017

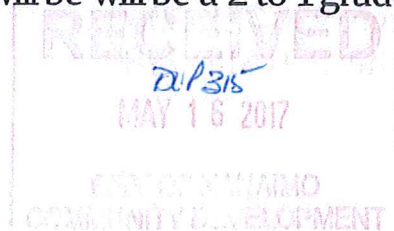
Tamera Rogers, Planner,
Current Planning and Subdivisions
City of Nanaimo
455 Wallace Street
Nanaimo BC V9R 5J6

Tamera:

Thank you for meeting with us on April 7th, 2017 to discuss our application for a height variance for two retaining walls at 3583 Hammond Bay Road. It is my understanding that this variance request will be brought forward to the June 19 2017 Council meeting for approval.

Currently we have a right of way works permit and a tree permit with the City of Nanaimo. Next we require a development variance permit for the two retaining walls and a building permit to construct the retaining walls.

These two retaining walls will replace a series of failing retaining wall on the portion of the property fronting on Hammond Bay Road. The retaining walls must be of a height that will allow enough space between them to plant 20 trees, as required by the City of Nanaimo tree permit (Patrick McIntosh of the City of Nanaimo). We require two 6 foot retaining wall in order to achieve our goals: (1) replace the dilapidating retaining wall; (2) plant the trees in accordance with the tree permit requirements; and, (3) create a slope that will enable easy access and safe maintenance of the area between the retaining walls. The City of Nanaimo allows for a 4 foot wall within the front set back; being 4 metres from the property line. Both retaining walls will be fully on the private property but within the 4 front setback zone. The slope from the base of the outer retaining wall to Hammond Bay Road will be will be a 2 to 1 grade as required by the city.



The general contractor building the wall is Jim Anderson with Terratech (250 714-5027). The engineering firm is Lewkowich Engineering Associates Limited (John Hessels, ASCT 250-756-0355). The wall will be an interlocking block retaining wall (cobblestone pattern) supplied by Nanaimo Precast (250 591-6115).

Attached, as required in the application template are the:

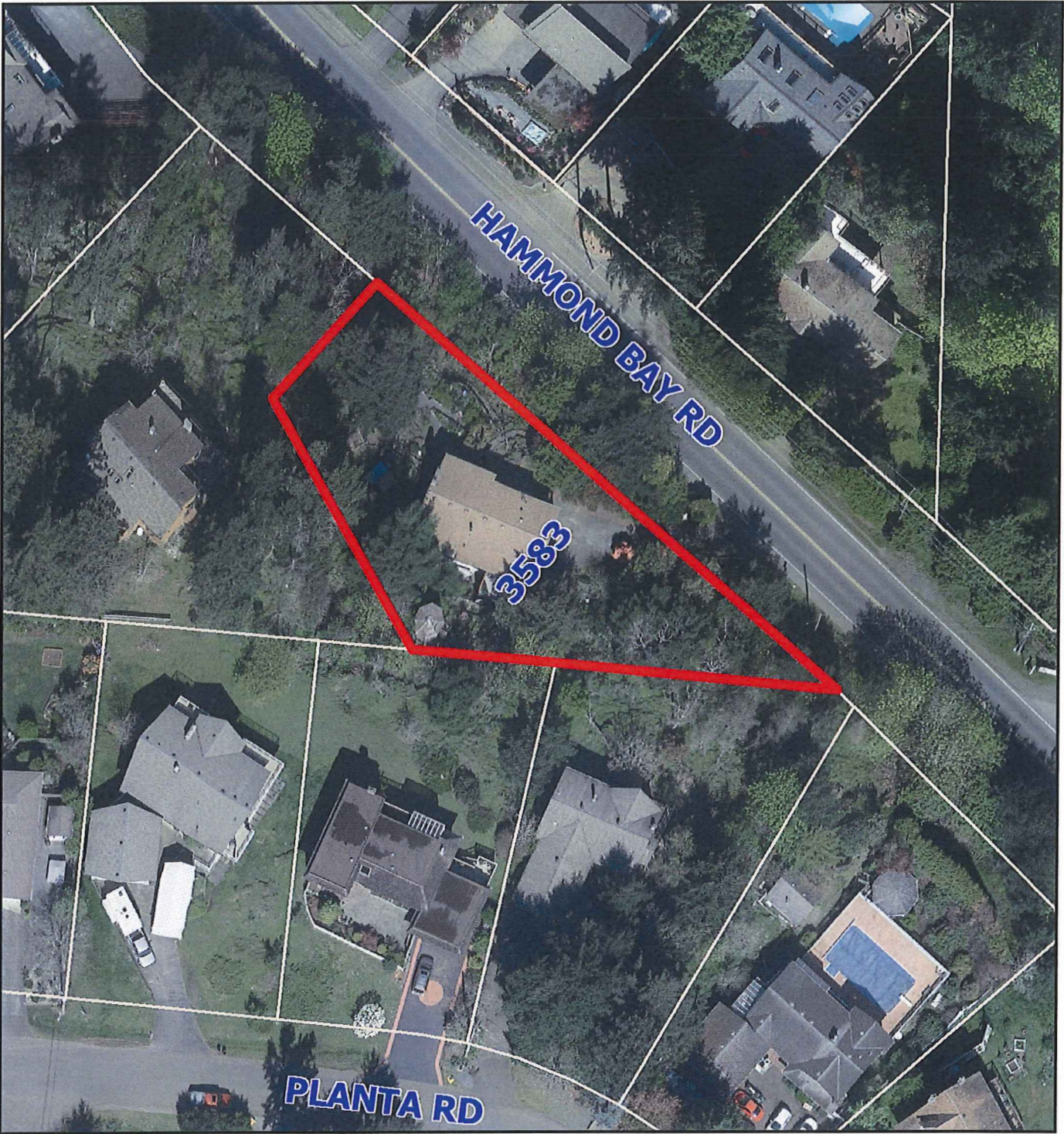
- 1) Application Fees;
- 2) Complete Development Variance Permit Application Form;
- 3) Certificate of title will be acquired by the city and we have paid the fee for this service;
- 4) Development Data;
- 5) This letter will serve as the variance rational;
- 6) Completed Checklist dated and signed;
- 7) Appointment Agent Form;
- 8) Evaluations in the form of an engineer drawing showing the elevations of the wall;
- 9) BCLS Site Survey Plan with the placement and elevation of the wall illustrated;
- 10) Images of the materials for the wall;
- 11) Photo of the property and placement of the wall;
- 12) Tree plan drawing; and,
- 13) Lot plan.

If there is any additional information that would make reviewing this application more clear or complete please advise us so that we can provide it.

Wildly Optimistic,

Ron and Carrie Cotton
3583 Hammond Bay Road
Nanaimo BC V9T 1E8

ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00315

