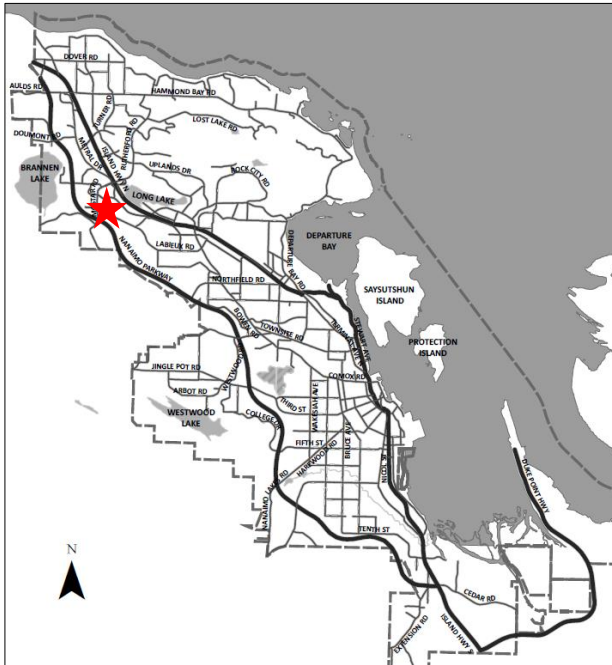


DATE OF MEETING | November 6, 2023

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP1305 – 4745 LEDGERWOOD ROAD**



Proposal:

To allow overhead retaining walls

Zoning:

R8 – Medium Density Residential

City Plan Land Use Designation:

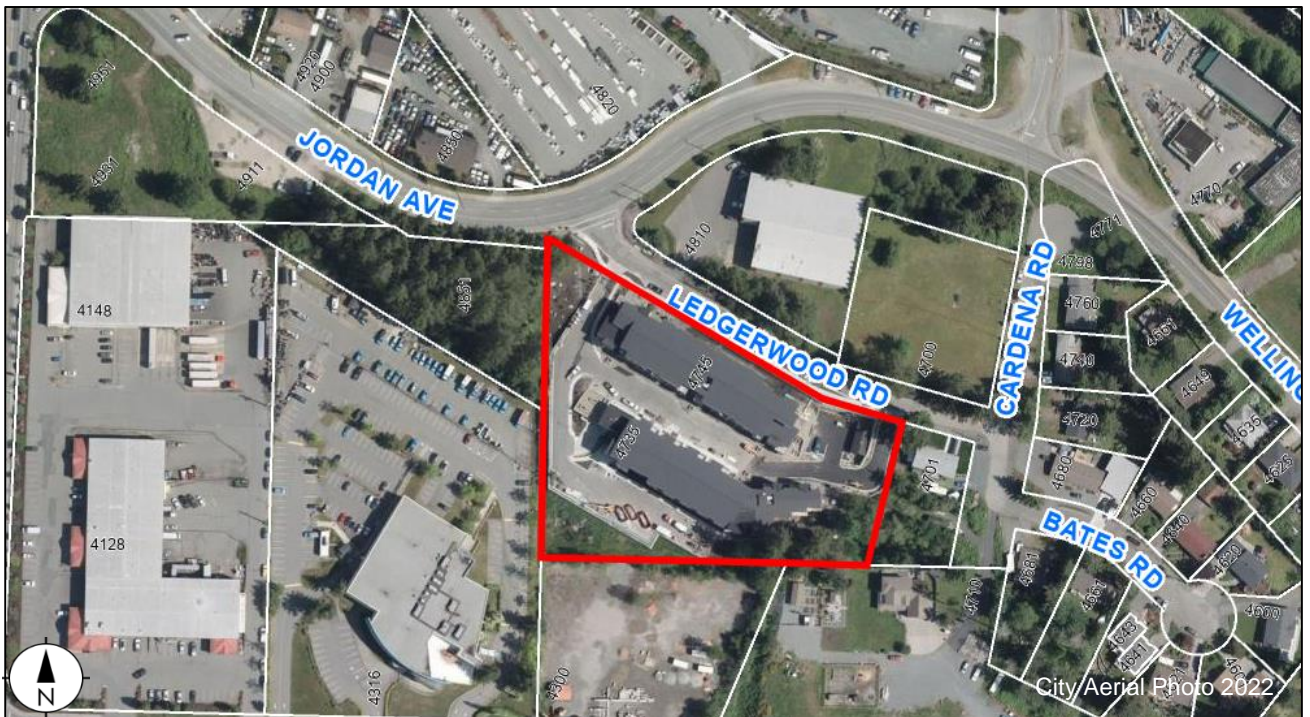
Neighbourhood

Development Permit Areas:

DPA8 – Form & Character

Lot Area:

1.28ha



OVERVIEW

Purpose of Report

To present for Council’s consideration a development permit amendment application for overheight retaining walls at 4745 Ledgerwood Road.

Recommendation

That Council issue Development Permit No. DP1305 for overheight retaining walls at 4745 Ledgerwood Road with variances as outlined in the “Proposed Variances” section of the Staff Report dated 2023-NOV-06.

BACKGROUND

A development permit application, DP1305, was received from WestUrban Developments Ltd. to amend the previously issued Development Permit No. DP1122, 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 retaining walls at 4745 Ledgerwood Road.

Development Permit No. DP1122 for a multi-family residential development was approved by Council on 2019-JUN-17 and included the following retaining wall height variances:

1. to increase the maximum allowable height from 1.2m to 3.66m in the front yard setback;
2. to increase the maximum allowable height from 2.4m up to 6.06m in the side and rear yard setbacks; and,
3. to increase the maximum allowable height outside of the yard setback from 3.0m to 3.83m.

The applicant has subsequently completed the development and determined that some of the retaining walls as built exceed the height previously approved through DP1122. As such, a DP amendment is required to permit the overheight retaining walls as constructed.

Subject Property and Site Context

The subject property is located on Ledgerwood Road in the western portion of the Wellington Neighbourhood. The site contains two multi-family residential buildings, with a combined total of 120 dwelling units, that were completed in 2022. Adjacent properties include a single residential dwelling to the east, a park to the northwest, and industrial properties to the north, west, and south.

DISCUSSION

Proposed Development

The site is steeply sloping, dropping from an elevation of 127m at the street level in the northeast to an elevation of 110m at the lowest point in the southwest. A number of retaining walls have been constructed on site, as shown in the retaining wall height survey (Attachment C), that terrace site elements including buildings, drive aisles, walkways, and parking lots.

There are two completed retaining walls that do not conform with the approved DP heights as highlighted in Attachment D and are described below.

Variance Wall #1

A cast-in-place concrete and concrete block wall that is in the front yard setback and extends outside of the yard setback, with a height of up to 4.4m. A variance for this wall was approved under DP1122 with a height of 3.83m. The wall faces internal to the site, and separates a lower parking lot from the street level.

Variance Wall #2

A concrete block wall that is in the side yard setback and extends outside of the yard setback, with a height of up to 3.9m. No variance was previously approved for this wall. The wall faces south inside the site, and separates a drive aisle from a playground / amenity space.

For comparison, the largest completed retaining wall on-site has a height of 6.0m along the west property line and is less than maximum 6.06m permitted through DP1122. While the overall project is considered to be in substantial compliance with the approved form and character DP, an amendment is required to address the additional height of the above-noted walls.

Proposed Variances

Maximum Allowable Fence Height

The Zoning Bylaw regulates retaining wall height under fence height and considers the total maximum combined height of any retaining wall and fence. The maximum allowable fence heights in the R8 zone are 1.2m within a front yard setback, 2.4m within a side yard setback, and 3.0m outside of a yard setback. The requested variances are as described below.

1. Variance Wall #1 has a height of 4.4m, a requested variance of 3.2m in the front yard setback and 1.4m outside of the yard setback.
2. Variance Wall #2 has a height of 3.9m, a requested variance of 1.5m in the side yard setback and 0.9m outside of the yard setback.

Variance Wall #1 is below the adjacent sidewalk and drive aisle and will not have a visual impact on the public street. The only identified off-site impact is a portion of Variance Wall #2 which is visible from the property to the east, however much of this wall is screened by vegetation and trees.

The walls were necessary to address grading on the steeply sloping site. While the previous DP1122 anticipated and approved some variances, additional overheight walls were only determined to be non-conforming upon final height survey of the walls. The proposed variances will allow the retaining walls to remain as constructed without further manipulation to the site that could impact landscaping, parking, and amenity spaces. Staff support the proposed variances. |

SUMMARY POINTS

- Development Permit Application No. DP1305 proposes to amend previously issued DP1122 and permit overheight retaining walls.
- Variances are requested to increase the maximum permitted retaining wall heights in a front yard setback from 1.2m to 4.4m, in a side yard setback from 2.4m to 3.9m, and outside of yard setback from 3.0m to 4.4m.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Subject Property Map
ATTACHMENT C: Retaining Wall Height Survey
ATTACHMENT D: Previously Approved Landscape Plan
ATTACHMENT E: Context Photos

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

The “City of Nanaimo Bylaw 2011 No. 4500” is varied as follows:

1. *Section 6.10 Fence Height*
 - a) to increase the maximum permitted retaining wall height within the front yard setback from 1.2m to 4.4m;
 - b) to increase the maximum permitted retaining wall height within the side yard setback from 2.4m to 3.9m; and
 - c) to increase the maximum permitted retaining wall height outside the required setbacks from 3.0m to 4.4m.

CONDITIONS OF PERMIT

1. The subject property shall be developed in substantial compliance with the Retaining Wall Height Survey prepared by McElhanney Associates Land Surveying Ltd., dated 2022-NOV-01, as shown on Attachment C.

ATTACHMENT C RETAINING WALL HEIGHT SURVEY

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDINGS ON LOT 1,
SECTION 5, WELLINGTON DISTRICT, PLAN EPP9079

P.I.D. 028-371-780



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY 280 mm IN HEIGHT (B-SIZE) WHEN PLOTTED AT A SCALE OF 1:750

CIVIC ADDRESS:
4745 LEDGERWOOD ROAD,
NANAIMO, B.C.

CLIENT: WESTURBAN DEVELOPMENTS

NOTES:

PARCEL DIMENSIONS ARE DERIVED FROM FIELD SURVEY AND EXISTING LAND TITLE OFFICE RECORDS, BEING PLAN EPP9079.

OFFSETS TO PROPERTY LINE FROM BUILDING ARE FROM CONCRETE FOUNDATION

GEODETIC ELEVATIONS ARE IN METRES, BASED ON GEODETIC CONTROL MONUMENT 98SG029

DATE OF FIELD SURVEY: SEPTEMBER 27, 2021 & JUNE 29, SEPTEMBER 2, AND OCTOBER 31, 2022

NOTE: TITLE SUBJECT TO:

STATUTORY RIGHT OF WAY (EG90882) CITY OF NANAIMO
COVENANT (EL70929) CITY OF NANAIMO
COVENANT (EL70931) CITY OF NANAIMO
COVENANT (CA2004530) CITY OF NANAIMO
COVENANT (CA7502546) BC HOUSING
COVENANT (CA8471489) BC HOUSING

THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN McELHANNEY ASSOCIATES AND OUR CLIENT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

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McELHANNEY ASSOCIATES
LAND SURVEYING LTD.

Suite 1
1351 Estevan Road
Nanaimo BC
Canada V9S 3Y3
Tel 250 716 3336

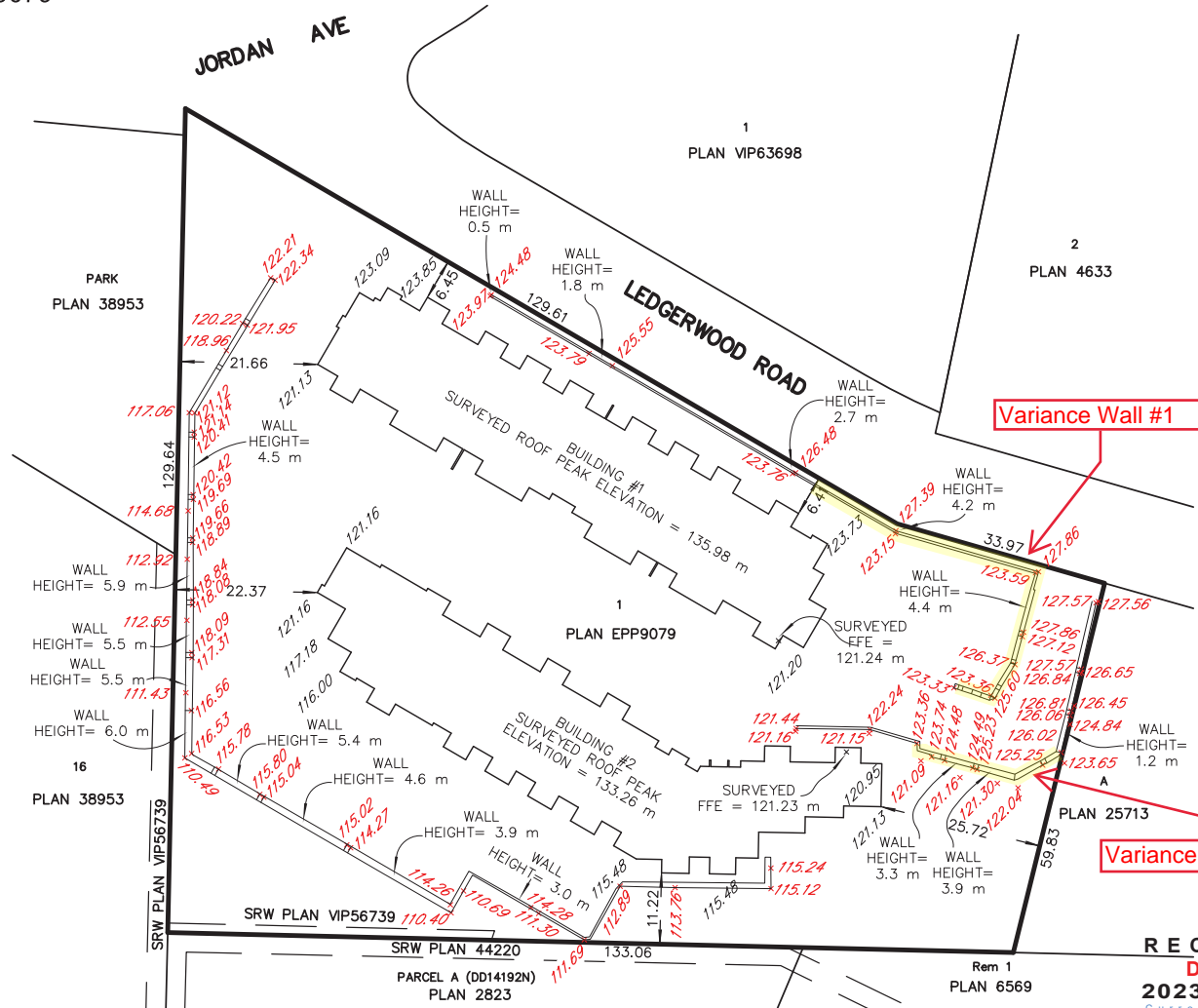
OUR FILE NO.: 2232-00330-10

DWG NO.: 2232-00330-10-V-1 BLC RETW 221031.dwg

BUILDING #1	
MAX. ALLOWABLE HEIGHT BY BYLAW	14.00 m
ROOF PEAK ELEVATION	135.98 m
SURVEYED FINISHED GRADE	122.60 m
HEIGHT OF DWELLING	13.38 m

BUILDING #2	
MAX. ALLOWABLE HEIGHT BY VARIANCE	15.7 m
ROOF PEAK ELEVATION	133.26 m
SURVEYED FINISHED GRADE	118.57 m
HEIGHT OF DWELLING	14.69 m

THIS LOCATION CERTIFICATE IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED.



RECEIVED
DP1305
2023-APR-24
Current Planning
CERTIFIED CORRECT THIS 1st DAY OF NOVEMBER, 2022.

TYSON QUOCKSISTER, BCLS

THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED

ATTACHMENT E
CONTEXT PHOTOS



