

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-APR-20

AUTHORED BY: DAVID STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP255 - 5473 MILDMAY ROAD

STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP255 at 5473 MILDMAY ROAD to vary the maximum allowable fence/retaining wall height to 3.8m.

PURPOSE:

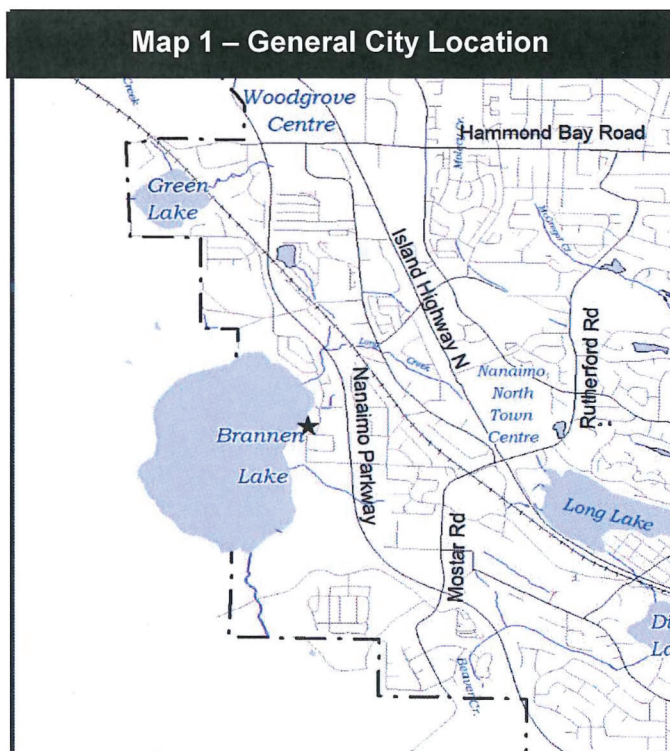
The purpose of this report is to seek Council authorization to further increase the fence/retaining wall height variance previously approved by Council 2014-SEP-08 (DVP241).

BACKGROUND:

A development variance permit (DVP) application was received from MR. GLEN EDWARDS, to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", to allow the construction of an over-height retaining wall.

The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" limits the height of a fence or retaining wall within the front yard to no more than 1.2m within the Single Dwelling Residential (R1) zone. The applicant is seeking to vary the maximum allowable fence/retaining wall height to 3.8m from 1.2m, a proposed variance of 2.6m.

On 2014-Sep-08, Council authorized a variance on the subject property for a 2.9m high retaining wall (DVP241). In order to support their driveway, the applicant constructed the retaining wall 0.9m higher than the previously approved variance height.



- Council
- Committee.....
- Open Meeting
- In-Camera Meeting
- Meeting Date: 2015-APR-20

A Statutory Notification has taken place prior to Council’s consideration and approval of the variance.

Subject Property

Zoning	Single Dwelling Residential – R1
OCP	The subject property is designated Neighbourhood.
Location	The subject property is located on the shores of Brannen Lake near the corner of Mildmay Road and Avro Way.
Total Area	2,881.0m ²

The subject property, located at 5743 Mildmay Road, is a large single dwelling residential lot abutting Brannen Lake to the rear of the property. The property slopes downhill towards the lake to the west.

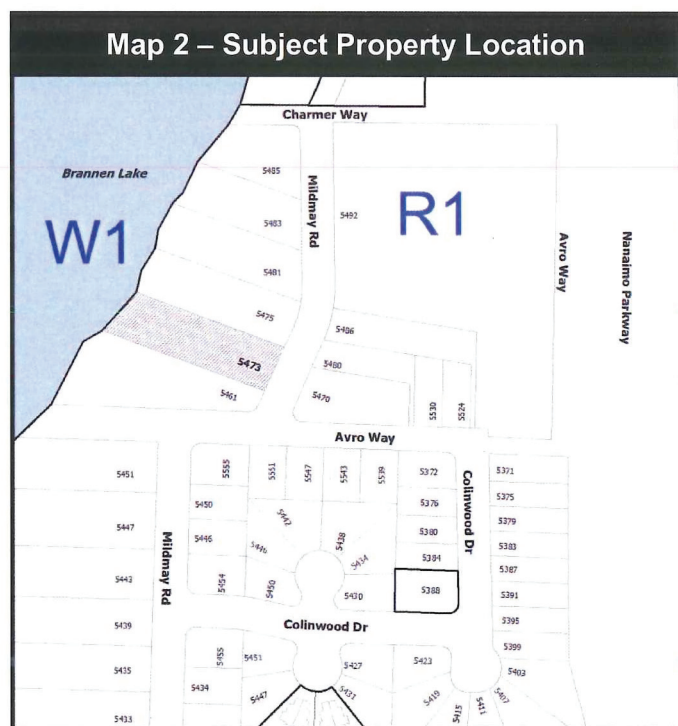
DISCUSSION:

Proposed Development

The applicant has recently constructed an addition to the existing single residential dwelling. A retaining wall was constructed to reconfigure the existing driveway to accommodate the required on-site parking.

To protect the natural character of the lake and the aquatic setback area, the addition was constructed to the front of the dwelling and as far away from the lake as possible.

A survey showing the location of the existing home and retaining wall is shown as ‘Schedule B - Site Survey’.



The retaining wall was constructed 0.9m higher than the height previously approved through a development variance permit and subsequent building permit.

The proposed variance is requested to accommodate the portion of the wall abutting the applicant’s driveway. Due to the slope of the property, the high side of the retaining wall will only be visible from the applicant’s home and the wall itself will not appear over height as seen from the road. The additional height requested is to accommodate the upper row of stones on the portion of the retaining wall that meets the home and runs parallel to the side yard property line, as seen in the photo (Figure 1- Photo)

A copy of the applicant's Letter of Rationale is included as Schedule A.

Required Variance

Section 6.10.1 the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" limits the height of a fence or a retaining wall within a front yard to no more than 1.2m within the Single Dwelling Residential (R1) zone. The proposed retaining wall height is 3.8m, a proposed variance of 2.6m.

STAFF COMMENT

Given the additional requested retaining wall height is along the portion of the wall running parallel to the side yard and it will not be easily seen from the road, Staff support the requested variance and recommend Council approve this application.

Respectfully submitted,

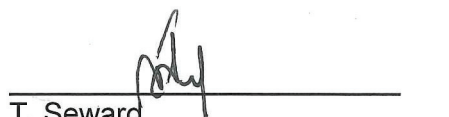


B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT

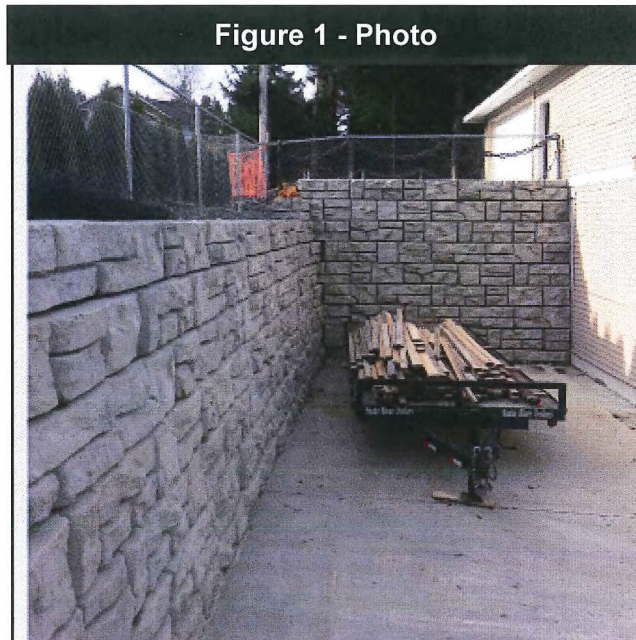


T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-MAR-31
Prospero Attachment: DVP00255
DS/lb



Glen Edwards
5473 Mildmay

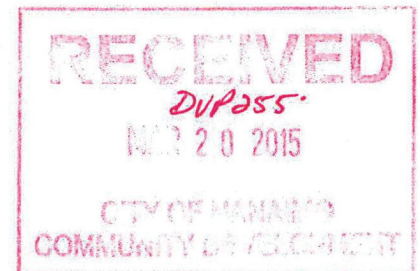
Development Variance Permit DVP00255
5473 Mildmay Road

Schedule A

March 20 / 15

Letter of Rationale

We built a retaining wall to hold up the driveway at 5473 Mildmay. The Surveyor Tom Hoyt proposed the height. The actual height on the driveway side had to be 2.8 feet higher to properly support the upper driveway.



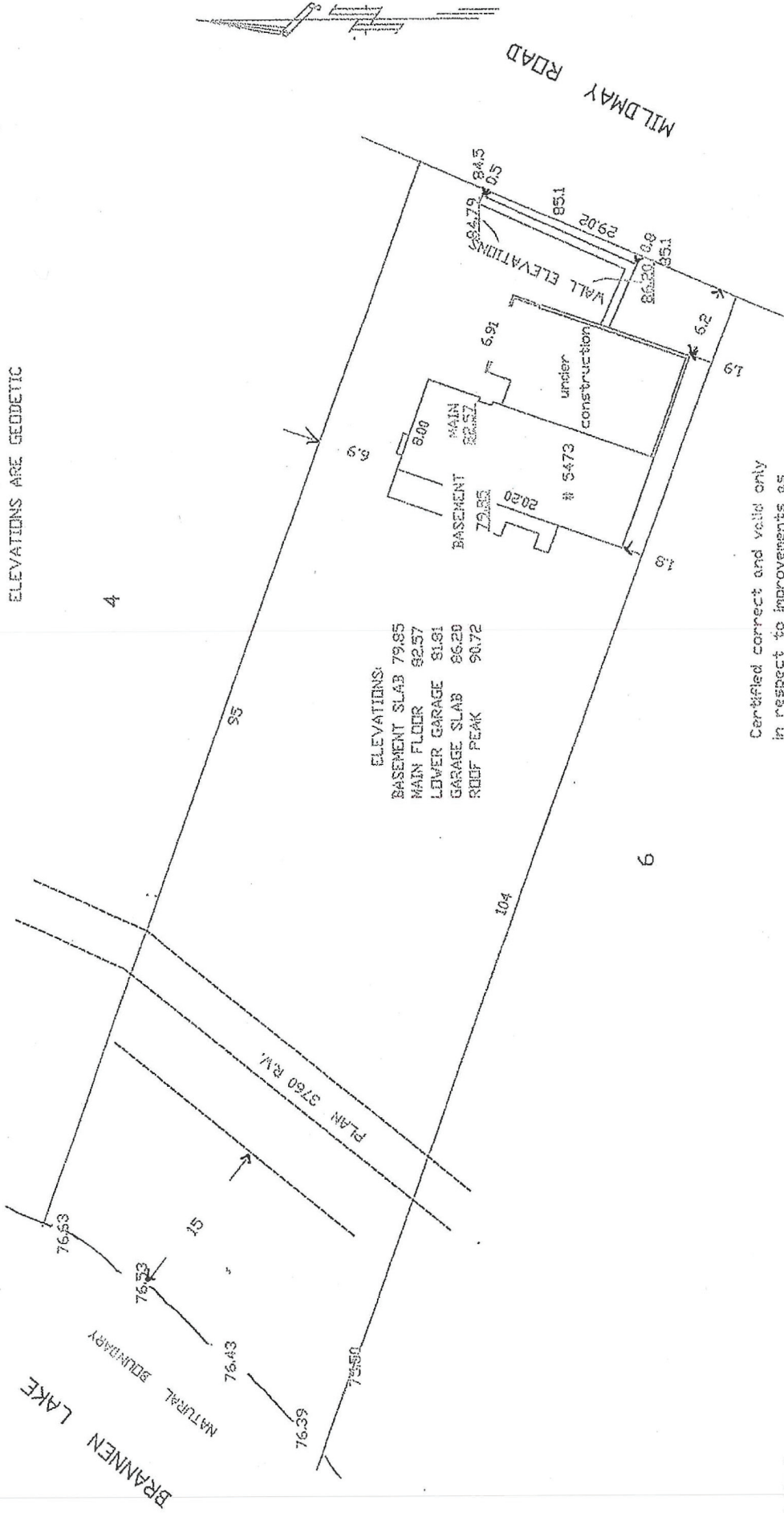
Glen Edwards

Site Survey

BP 120006

British Columbia Land Surveyor's Certificate of Location on
LOT 5, DISTRICT LOT 16,
WELLINGTON DISTRICT, PLAN 19988

SCALE 1:350
ALL MEASUREMENTS ARE IN METRES
ELEVATIONS ARE GEODETIC



ELEVATIONS:
BASEMENT SLAB 79.85
MAIN FLOOR 82.57
LOWER GARAGE 81.81
GARAGE SLAB 86.20
ROOF PEAK 90.72

Certified correct and valid only
in respect to improvements as
shown and located on the 22nd
day of January, 2015.

T.G. Hoyt
B.C. Land Surveyor
2275 Geoffrey Road
Nanaimo, B.C.
V9X 1E7
© 2015

FB 265/24 364/32
Not valid unless originally signed and sealed.

B.C.L.S.