

DATE OF MEETING | May 27, 2019 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP381 – 1875 BOXWOOD ROAD |**

## OVERVIEW

### **Purpose of Report**

To present for Council’s consideration, a development variance permit to reduce a side yard setback and allow over-height retaining walls at 1875 Boxwood Road. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP381 at 1875 Boxwood Road with the following variances:

- reduce the minimum side yard setback (south side) from 6m to 1.75m; and
- increase the maximum allowable height of retaining walls from 2.4m to 3.65m within the south side yard setback, and from 3m to 3.42m where retaining walls are located outside of the required setback area. |

## BACKGROUND

A development variance permit application, DVP381, was received from Raymond de Beeld Architect Inc., on behalf of Nanaimo Industrial Space Ltd., to vary the provisions of “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) in order to construct two new industrial buildings and associated retaining walls on the subject property.

A development permit, Development Permit No. DP1087, was previously approved on 2019-FEB-14 when the subject property was two separate lots. Subsequent building permits have been submitted for the buildings and retaining walls. Through the building permit review, it was determined that additional variances are required.

### **Subject Property**

<i>Zoning</i>	I2 – Light Industrial
<i>Location</i>	The subject property is located on the west side of the traffic roundabout at the intersection of Boxwood Road and Dufferin Crescent.
<i>Lot Area</i>	8,777m <sup>2</sup>
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use Plan – Light Industrial

The subject property is located within the Greenrock Industrial Park. The property slopes down from Boxwood Road in the east to the Nanaimo Parkway in the west.

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

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct two industrial buildings separated by a surface parking area at 1875 Boxwood Road. Poured-in-place concrete retaining walls are proposed along the south and west property lines. Previously, the subject property consisted of two separate lots with addresses at 1875 and 1885 Boxwood Road and a single industrial building proposed on each property. The form and character of the proposed development was approved as part of DP1087. The two lots have now been consolidated and will contain the two building and related site improvements.

### **Proposed Variances**

#### *Side Yard Setback*

The I2 zone requires a minimum side yard setback of 0m on one side and 6m on the other side of the subject property. The side yard setback on the south side is 1.75m; a proposed variance of 4.25m.

When the subject property was two separate lots, the setback regulations were met by providing setbacks greater than 0m from the outer lot lines, and setbacks greater than 6m from the interior lot line. With consolidation of the two lots, the proposed development no longer complies with the zoning requirements, as the minimum required setbacks should be 0m and 6m.

The side yard setback requirements in the I2 zone allow flexibility in building siting, and assist to break the building massing along street frontages. The intent of the Zoning Bylaw is met given that there are two separate buildings proposed and approximately 31m between them. The rhythm of building faces along Boxwood Road will not result in a single building wall. Adequate side yard setbacks and a utility corridor between the buildings provide building separation.

Staff support the proposed side yard setback variance.

#### *Maximum Fence Height*

The Zoning Bylaw requires a maximum fence or retaining wall height of 2.4m in the side yard setback and 3m outside of required yard setback area in the I2 zone. Proposed retaining wall heights are up to 3.65m in the south side yard setback and up to 3.42m where retaining walls are located outside of the required yard setback area; proposed variances of 1.25m and 0.42m, respectively. A 1.52m-high chain link fence is proposed at the top of the retaining walls. Open mesh and chain link fences are exempt from fence height regulations in industrial zones.

The proposed retaining walls will facilitate a consistent finished grade across the property and provide ease of access to the proposed buildings. The retaining walls are not expected to have a visual impact on city roads and will be screened from the Nanaimo Parkway by a landscape buffer. No negative impacts are anticipated on the neighbouring property to the south where a mini-storage development was recently approved.

Staff support the proposed fence or retaining wall height variances.

### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP381 proposes variances to reduce the minimum side yard setback (south side) from 6m to 1.75m, and increase the maximum allowable height of retaining walls from 2.4m to 3.65m in the south side yard setback and from 3m to 3.42m where retaining walls are located outside of the required yard setback area.
- The retaining walls are not expected to have a visual impact on city roads and will be screened from the Nanaimo Parkway by a landscape buffer.
- Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Plan  
ATTACHMENT D: Retaining Wall Sections  
ATTACHMENT E: Building & Retaining Wall Elevations  
ATTACHMENT E: Aerial Photo

**Submitted by:**

L. Rowett  
Manager, Current Planning

**Concurrence by:**

D. Lindsay  
Director, Community Development

## **ATTACHMENT A PERMIT TERMS AND CONDITIONS**

### **TERMS OF PERMIT**

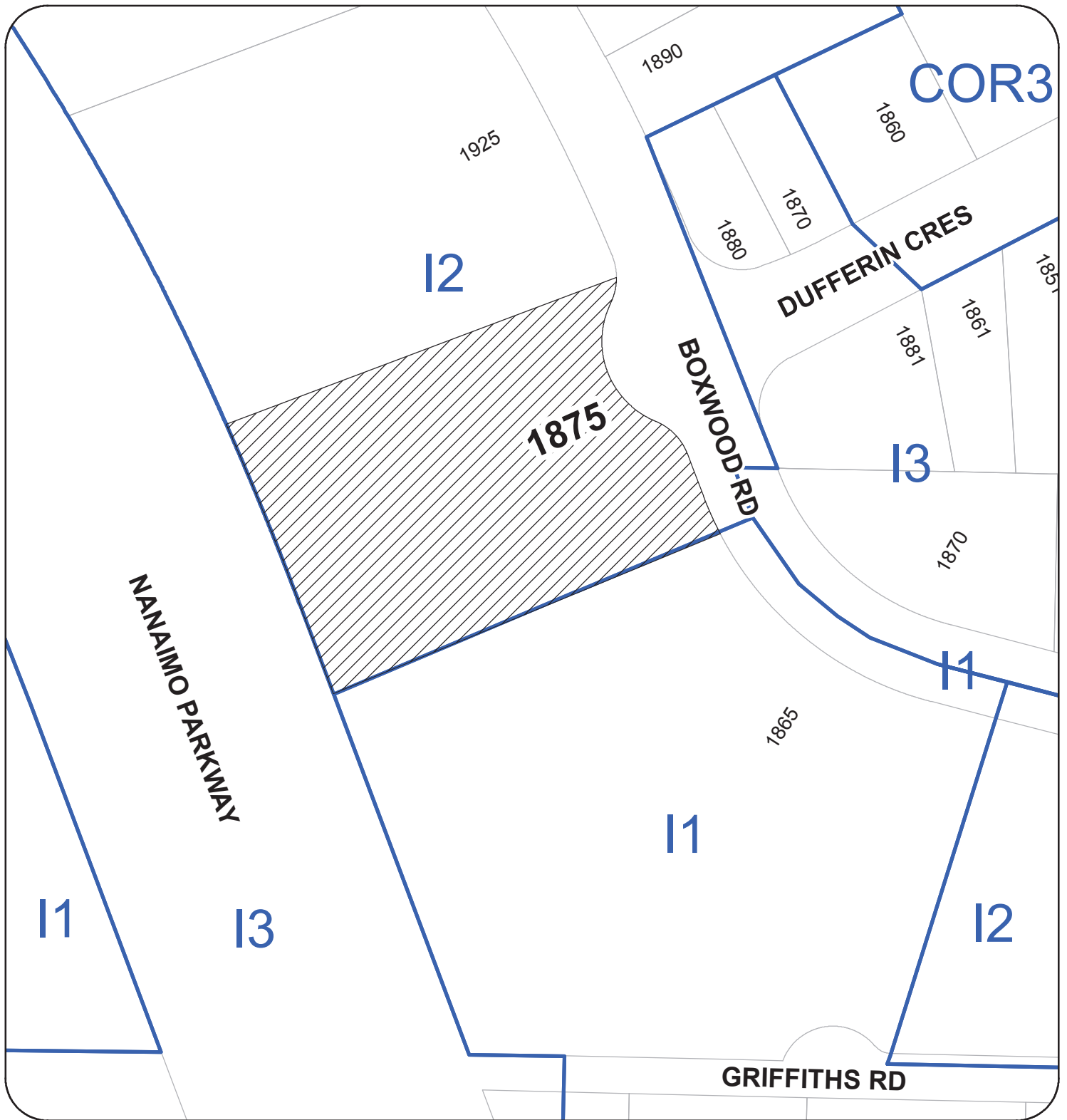
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 13.4.1 Siting of Buildings* – to reduce the minimum side yard setback (south side) from 6m to 1.75m.
2. *Section 6.10.2 Fence Height* – to increase the maximum fence height for retaining walls within the south side yard setback from 2.4m to 3.65m.
3. *Section 6.10.5 Fence Height* – to increase the maximum fence height for retaining walls located outside of the required yard setback area from 3m to 3.42m.

### **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Plan prepared by Raymond de Beeld Architect Inc., received 2019-MAR-06, as shown on Attachment C.
2. The retaining walls shall be constructed generally in accordance with the Retaining Wall Sections prepared by Opus Engineering Ltd., dated 2019-FEB-25, as shown on Attachment D.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00381

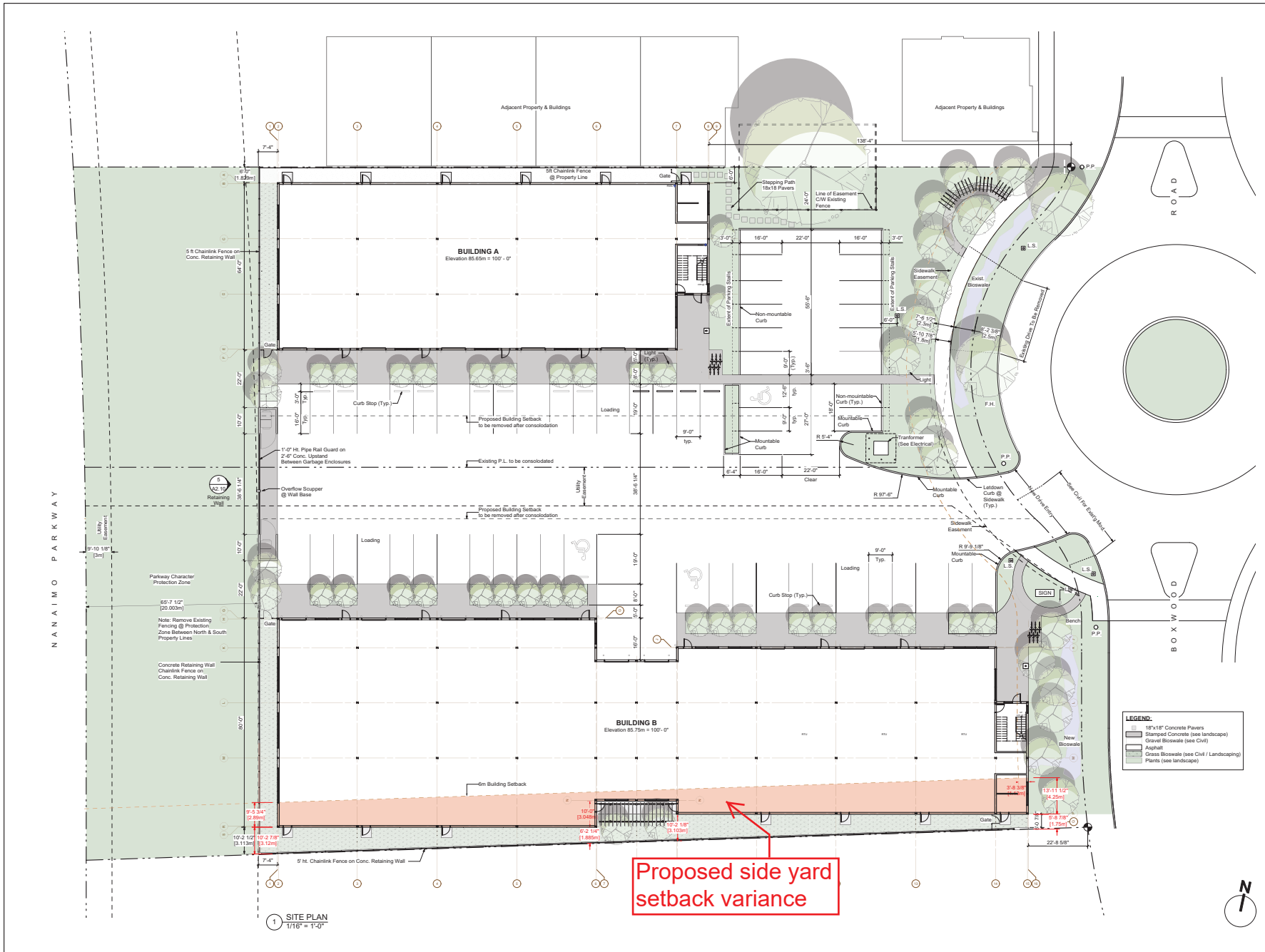
LOCATION PLAN

Civic: 1875 BOXWOOD ROAD  
Legal Description: LOT 2, SECTION 15, RANGES 7 AND 8  
MOUNTAIN DISTRICT, PLAN EPP70084



Subject Property

# ATTACHMENT C SITE PLAN



Do not scale drawings. Contractor shall verify all dimensions of the work and report any discrepancies to the architect before proceeding. This drawing is not to be used for construction until stamped and signed by the architect and "Issued for construction".

As an instrument of service, this drawing is the property of the architect and may not be reproduced without permission. This drawing is for the use of the specified project only and shall not be used otherwise without written permission of the architect.

No.	Date	Issue Notes
1	2018-12-04	BP Application
2	2019-02-22	ECM & Consultant Coordination
3	2019-03-04	DVP Application (side blog setback; retaining wall H).

No.	Date	Revision Notes
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**GARRY OAK PARK**  
1875/1885 Boxwood Road, Nanaimo, B.C.  
LOT 2, SECTION 15, RANGES 7 & 8, MOUNTAIN DISTRICT,  
PLAN EPP/70084

**RAYMOND de BEELD ARCHITECT INC.**

755 Terminal Ave. North, Nanaimo, B.C. V9S 4K1  
Tel: (250) 754-2108  
Email: info@rdbeelddesign.ca  
www.rdbeelddesign.ca

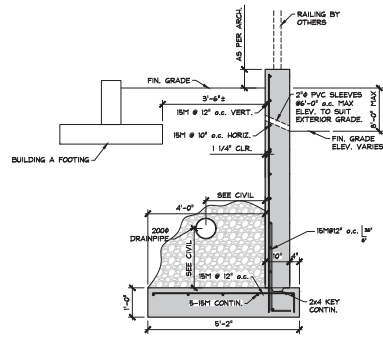
DATE PLOTTED: 2019-03-04

SHEET TITLE:  
**SITE PLAN**

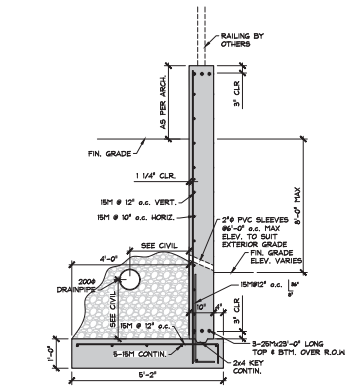
RECEIVED  
**DVP 381**  
2019-MAR-06

DRAWN: SK, KM, RH	CHECKED: RdB
JOB NO: 1634	SHEET NO.:
SCALE: As Noted	<b>A1.1</b>
DATE: March 05, 2019	CAD FILE: 1634 NBS Warehouse 22 DVP - Copy.vwx

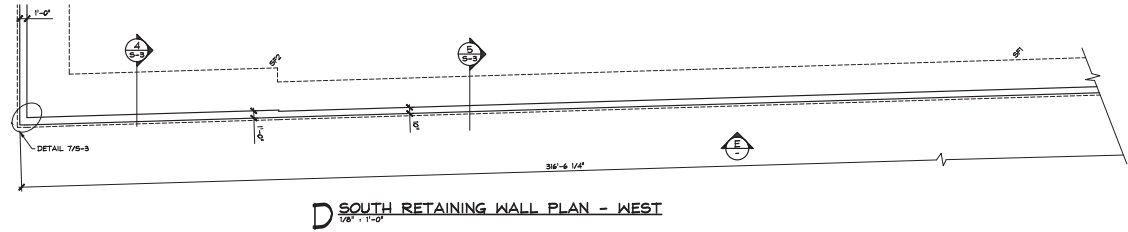




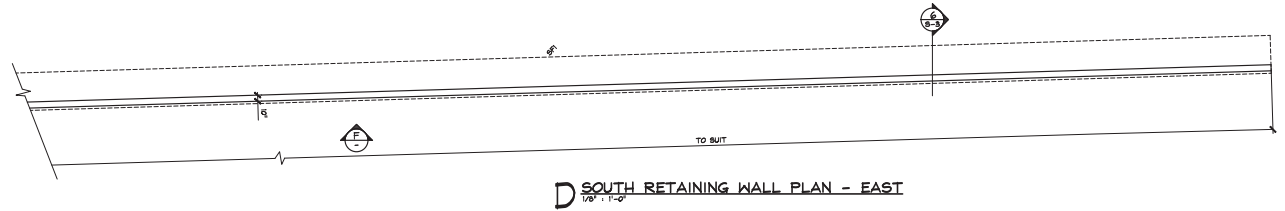
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1/2" = 1'-0"



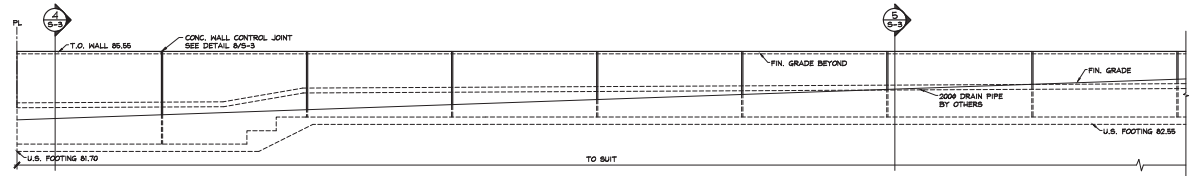
SECTION - OVER 5m R.O.W  
1/2" = 1'-0"



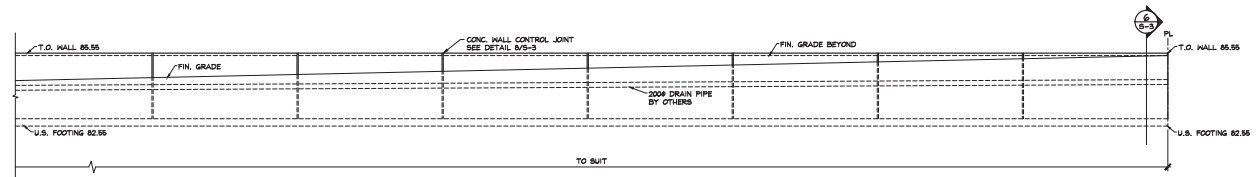
D SOUTH RETAINING WALL PLAN - WEST  
1/8" = 1'-0"



D SOUTH RETAINING WALL PLAN - EAST  
1/8" = 1'-0"



E SOUTH RETAINING WALL ELEVATION - WEST  
1/8" = 1'-0"



F SOUTH RETAINING WALL ELEVATION - EAST  
1/8" = 1'-0"

REVISION	DATE	No.	REVISION	DATE	No.
ISSUE FOR BUILDING PERMIT	25 FEB 18	0			

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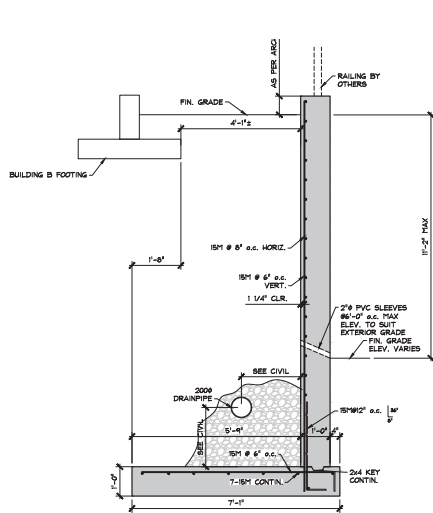
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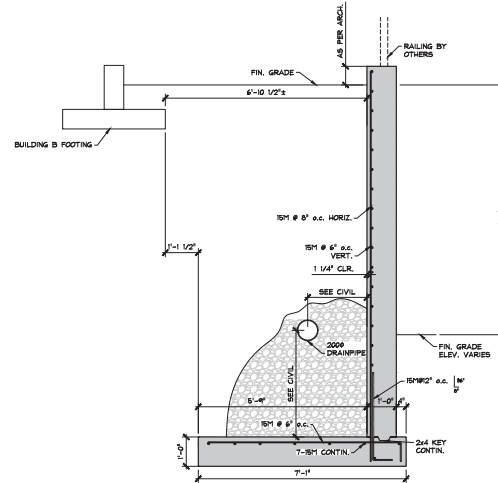
CLIENT  
NANAIMO BUSINESS SERVICES  
NORTH VANCOUVER, BC  
PROJECT  
GARRY OAK PARK  
1875/1895 BOXWOOD ROAD,  
NANAIMO, BC

FILE  
RETAINING WALL  
WALL PLAN, ELEVATION,  
SECTION & DETAILS  
DRAWN: RC CHECKED: EB DRAWING  
DATE: DEC 2018  
SCALE: AS NOTED REV: **S-2**  
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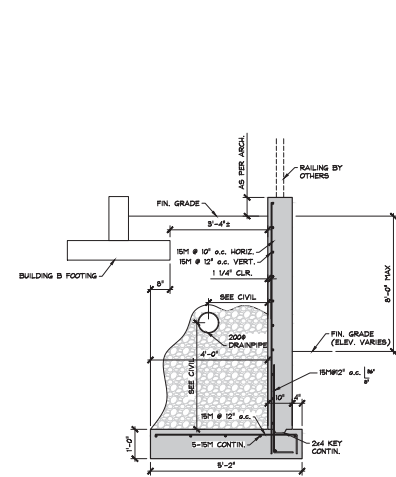




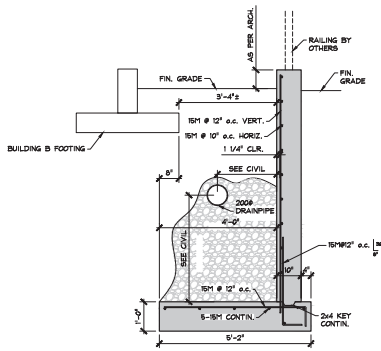
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1/2" = 1'-0"



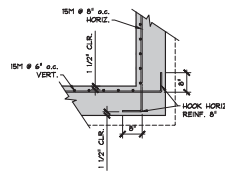
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1/2" = 1'-0"



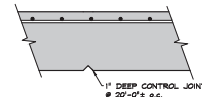
**5** RETAINED SOIL 1.2m-2.4m  
1/2" = 1'-0"



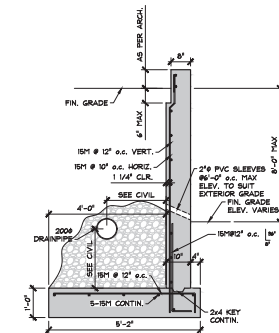
**6** RETAINED SOIL 1.2m-2.4m  
1/2" = 1'-0"



**7** DETAIL  
1/2" = 1'-0"



**8** CONC. WALL CONTROL JOINT DETAIL  
1/2" = 1'-0"



**9** SECTION - AT GARBAGE ENCLOSURES  
1/2" = 1'-0"

REVISION	DATE	No.	REVISION	DATE	No.
ISSUE FOR BUILDING PERMIT	25 FEB 18	0			

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SAL

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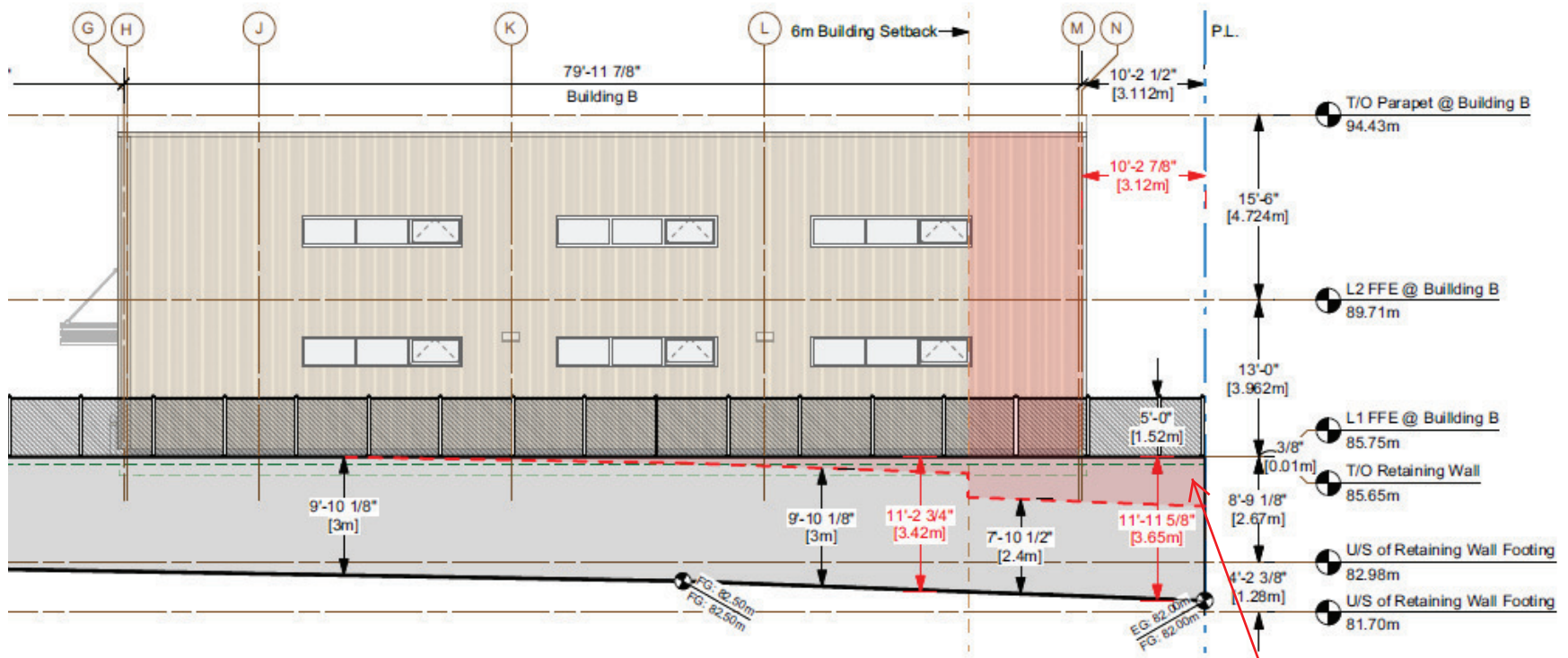
TITLE  
**RETAINING WALL**  
SECTIONS & DETAILS

DRAWN: RC CHECKED: EB DRAWING NO: **S-3**

DATE: DEC 2018

SCALE: AS NOTED

# ATTACHMENT E BUILDING & RETAINING WALL ELEVATIONS



Retaining Wall Height Variance

ATTACHMENT F  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00381



SUBJECT PROPERTY