

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2015-JUL-20

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

RE: DEVELOPMENT VARIANCE PERMIT PERMIT NO. DVP00256 – 4801 WELLINGTON ROAD

### STAFF RECOMMENDATION:

That Council issue Development Variance Permit No. DVP256 at 4801 WELLINGTON ROAD to increase the permitted sign area for a freestanding sign from 5.95m<sup>2</sup> (64ft<sup>2</sup>) to 9.94m<sup>2</sup> (107ft<sup>2</sup>).

### PURPOSE

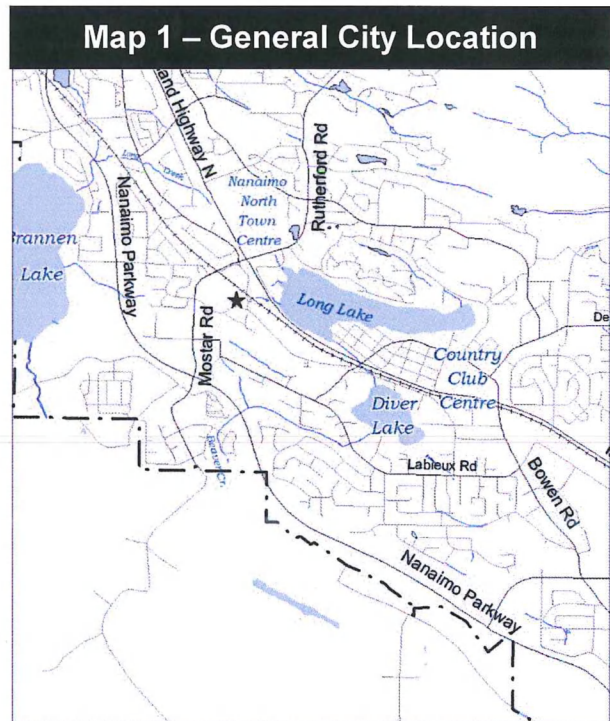
The purpose of this report is to seek Council authorization to permit an increased sign area for a new freestanding sign.

### BACKGROUND

A development variance permit (DVP) application was received from THE SIGN ZONE (Mr. Mike Carson), on behalf of MALAVIEW DEVELOPMENTS LTD., to vary the provisions of "LAND USE CONTRACT 1893" (LUC 1893), in order to permit an increased sign area for a new freestanding sign.

LUC 1893 limits the permitted sign area for a freestanding sign to 5.95m<sup>2</sup> (64ft<sup>2</sup>). The applicant is seeking to vary the permitted sign area for a freestanding sign.

At a Council Meeting dated 1999-MAR-01, Council was asked to consider a DVP for the subject property to permit existing fascia signs and a freestanding sign with a sign area of 15.5m<sup>2</sup> (167ft<sup>2</sup>). Council authorized Staff to commence with the DVP notification procedure; however, at the request of the applicant, the notification procedure was not undertaken. Instead, the applicant revised the application to request a variance to allow the existing five fascia signs (only two fascia signs are permitted per business in LUC1893) and elected to not construct the freestanding sign. The DVP (DVP00003) for the fascia signs was approved by Council 1999-JUL-26.



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

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

*Subject Property*

Zoning	Land Use Contract 1893
Location	The subject property is located at the corner of Jordan Avenue and Wellington Road.
Total Area	13,147m <sup>2</sup>
Official Community Plan (OCP)	Map 1 – Future Land Use Plan – Light Industrial Map 3 – Development Permit Area DPA No. 9 – Commercial Industrial, Institutional, Multiple Family and Mixed Commercial/Residential development

The subject property is located on the northeast boundary of an existing industrial park. A number of existing commercial uses are located on the north side of the railway tracks and an existing single residential subdivision is to the southeast of the subject property.

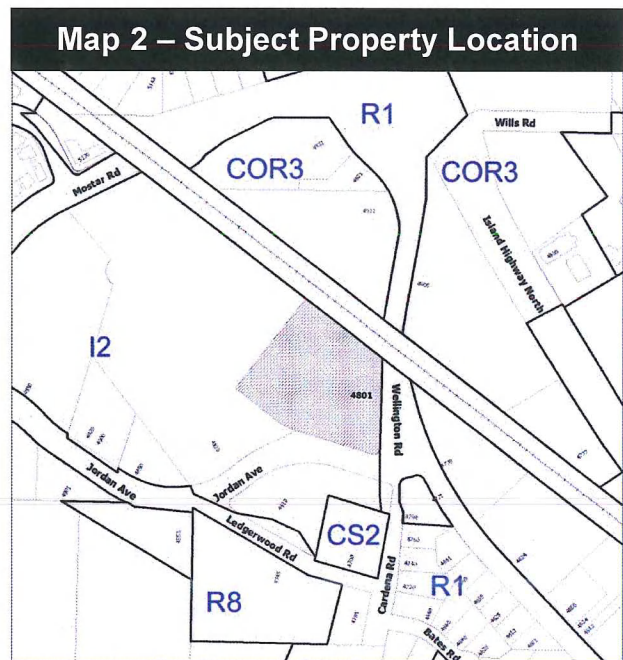
DISCUSSION

The subject property is located within LUC 1893, which limits the permitted sign area for freestanding signs.

As part of the corporate re-branding program, the Fountain Tire franchise has changed their logo and all Fountain Tire franchises have been instructed to replace their existing signage. The proposal is to remove the existing freestanding sign and replace it with the proposed sign (Figure 1 – Proposed Elevation). The proposed sign is consistent with other Fountain Tire signs in other BC municipalities.

Due to topography and existing buildings, the proposed sign cannot be seen from the Island Highway. Additionally, the surrounding land use is primarily commercial and industrial: the closest residential property is located approximately 100m from the proposed sign and has no windows facing the direction of the sign.

While the City of Nanaimo “SIGN BYLAW 1987 NO. 2850” does not apply to the subject property due to the land use contract, the Sign Bylaw would permit a freestanding sign in the Light Industrial (I2) zone (the underlying zoning of the subject property) to have a maximum sign area of 10m<sup>2</sup> (107.6ft<sup>2</sup>). Due to recent changes to the *Local Government Act* through the adoption of Bill 17, all land use contracts now have a “sunset” date of 2024-JUN-30 and will no longer be valid.



At the request of Staff, the applicant was asked to reduce their variance request from a sign area of 14.95m<sup>2</sup> (161ft<sup>2</sup>) to a sign area of 10m<sup>2</sup> (107.6ft<sup>2</sup>) to reflect the maximum sign area permitted in the Sign Bylaw for a freestanding sign in an Industrial zone. Please note, the Letter of Rationale still reflects the original sign area proposal. A copy of the applicant's Letter of Rationale is included as Schedule A.

*Required Variance*

Schedule H of LUC 1893 limits the sign area of freestanding signs to 5.95m<sup>2</sup> (64ft<sup>2</sup>). The proposed sign area is 9.94m<sup>2</sup> (107ft<sup>2</sup>), a proposed variance of 3.99m<sup>2</sup> (43ft<sup>2</sup>).

STAFF COMMENT:

Staff support the requested variance and recommend Council approve this application.

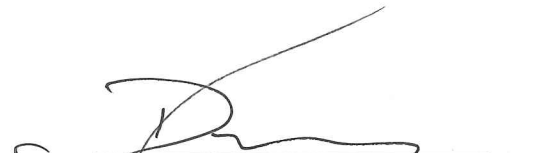


Respectfully submitted,

  
B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:

  
D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT

  
for T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2015-JUN-24  
DS/tr/hd  
Prospero: DVP256

# ATTACHMENT A

City of Nanaimo - Development Department

From: Mike Carson

Subject: Development Variance – Signage – Wellington Rd – Variance Rationale

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## Proposed Development

Enclosed is a Development Variance application for Fountain Tire Nanaimo.

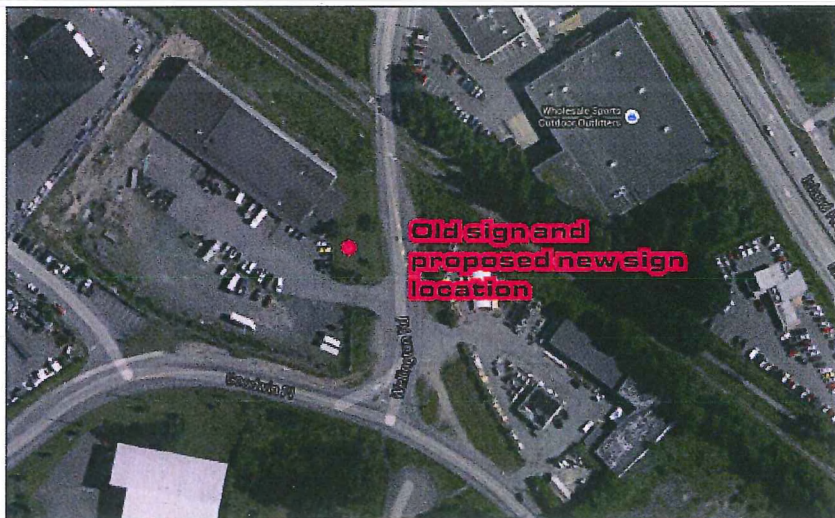
### The Purpose:

The Purpose of this application is to obtain Council Authorization to permit a free standing sign.

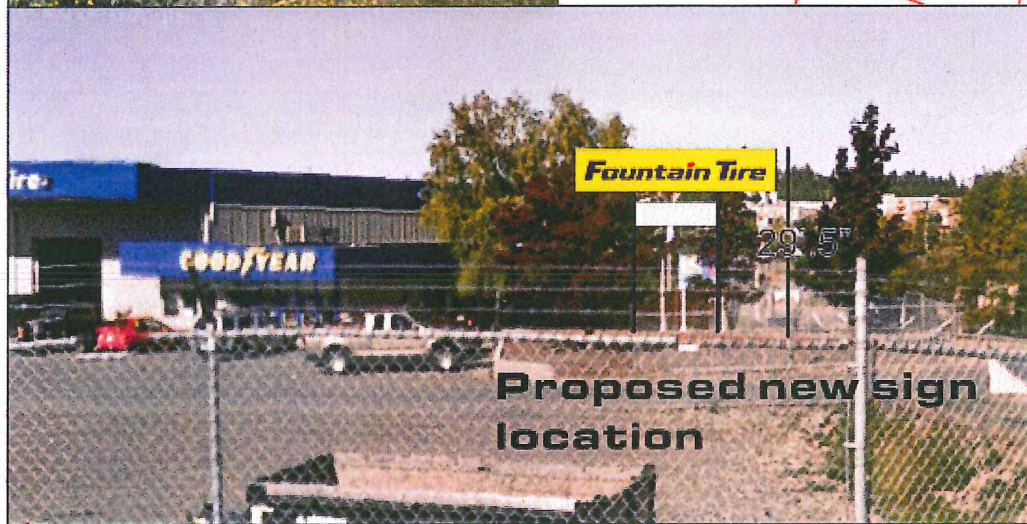
We are submitting a variance application to vary the provisions of the city of Nanaimo Sign Bylaw in order to allow a free standing sign located at 4108 Wellington Rd.

### Discussion:

As part of the corporate re-branding program, The Fountain Tire franchise has changed their logo. As a result of the change, all Fountain Tire franchises have been instructed to replace their existing signage. The applicant would replace this existing pylon sign (fig2) on the corner of Jordan Ave. and Wellington Rd.



with the new branded sign. (Fig 1.)



The Purpose of the variance is to permit a freestanding sign with a sign area of 161 sq/ft on the property of Wellington Rd and Jordan Ave. A variance request of 97ft<sup>2</sup>.

This variance will allow for this new branded pylon sign and Fountain Tire to stay current with its branding.

Thank you for your consideration.

Mike Carson

The Sign Zone

mike@thesignzone.ca