

DATE OF MEETING | April 1, 2019

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP380 – 411 DUNSMUIR STREET**

## OVERVIEW

### **Purpose of Report**

To present for Council’s consideration, a development variance permit application to allow an over-height front and side yard fence on the property located at 411 Dunsmuir Street.

### **Recommendation**

That Council issue Development Variance Permit No. DVP380 at 411 Dunsmuir Street with the following variances:

- increase the maximum allowable fence height from 1.2m to 1.8m in the front yard setback along Wesley Street; and
- increase the maximum allowable side yard fence from 1.8m to 2.9m within the south side yard setback.

## BACKGROUND

A development variance permit application, DVP380, was received from the City of Nanaimo to vary the provisions of City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to increase the maximum allowable height for a front and side yard fence on the subject property.

An application (DVP362) is also included on the Council agenda for a front yard fence variance for the property located at 424 Wesley Street, which is located immediately south of the subject property. The side yard fence proposed through DVP380 for 411 Dunsmuir Street will tie-in to the front yard fence proposed through DVP362 for 424 Wesley Street to improve site security within both properties.

### **Subject Property**

<i>Zoning</i>	DT7- Quennell Square
<i>Location</i>	The subject property is the City of Nanaimo Service and Resource Centre (SARC), which has frontage on both Wesley Street and Dunsmuir Street.
<i>Lot Area</i>	2,803m <sup>2</sup>
<i>Official Community Plan</i>	Urban Node – Downtown Centre

The subject property includes a three-storey office building occupied by City of Nanaimo Staff in a number of departments and the public service desk. The property is a through-lot with street frontage on Dunsmuir Street and Wesley Street. The building is oriented towards Dunsmuir Street and the public entrance to the property is from Dunsmuir Street. A Staff entrance and parking lot are located to the back of the building adjacent to Wesley Street.

On 2017-NOV-20, Council approved development variance permit, DVP329, to allow the construction of a 1.8m-high fence on the properties located at 350 Albert Street, 434 and 450 Wesley Street.

A number of social service uses exist in the immediate area, including a 36-unit housing development with an overdose prevention site at 437 Wesley Street, and a social service resource centre (needle exchange) at 375 Franklyn Street.

Statutory Notification has taken place prior to Council's consideration of this application.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to construct a 1.8m-high decorative wrought iron fence along the Wesley Street frontage of the property. The fence will connect with the existing office building along both side yards. The side yard to the south includes a low-height retaining wall that ranges in height from 0.2m to 1.1m. As fence height is measured from the finished grade at the low side of the retaining wall, the retaining wall height needs to be included within the requested fence height variance. The City and the adjacent property owner have agreed to cost share for the south side yard portion of the fence.

The applicant wishes to construct the fence to control access to the site. An access gate will be included within the fence to allow pedestrian and vehicle access. The gate will be left open during office hours and closed with a controlled access outside office hours.

After office hours, the back parking area of the subject property is often used as an unauthorized gathering space. Property damage, vandalism, littering, drug use, open fires, and anti-social behaviour have been observed occurring on the property. The City building has been frequently tagged with graffiti. Maintenance Staff are unable to take garbage out and perform routine outside maintenance after business hours due to the potential for confrontation.

In an effort to mitigate anti-social behaviour, the City has removed landscape barriers and benches and installed security cameras, no trespass signs, and increased lighting within this area. In 2018, Liahona Security was commissioned by the City to prepare a security review report for the subject property, City Hall, and surrounding City-owned lands. The Security Review Report recommends that the City consider a 1.8m-high fence at the rear entrance (Wesley Street) of the subject property. Staff support a low-barrier permeable fence along the property frontage as an additional strategy to increase onsite security. The approved 2019 - 2023 Financial Plan includes budget for security improvements including fencing in 2019.

### **Proposed Variances**

#### *Maximum Fence Height – Front Yard*

The maximum allowable front yard fence height is 1.2m. The proposed front yard fence height is 1.8m; a proposed variance of 0.6m.

The proposed 1.8m is consistent with neighbouring fence height variance applications for 424 Wesley Street (DVP362) and 350 Albert Street and 434 and 450 Wesley Street (DVP329). The 1.8m-high fence was recommended within the Security Review Report for the subject property. The wrought iron fence will complement the neighbouring fence at 437 Wesley Street and will be selected to respect the Old City Neighbourhood Character.

#### *Maximum Fence Height – Side Yard*

The maximum allowable side yard fence height is 1.8m. The proposed front yard fence height is 2.9m; a proposed variance of 1.1m.

The side yard fence will be constructed on top of an existing retaining wall. The retaining wall increases in height as the property slopes down from Wesley Street. The portion of the wall on which the fence will be constructed is 1.1m in height at its highest point as measured from the low side of the wall. The low side of the wall faces the neighbouring property (424 Wesley Street). The grade of the subject property with the retaining wall is nearly flat; therefore, a 1.8m-high fence is required above the wall.

#### **SUMMARY POINTS**

- Development Variance Permit Application No. DVP380 proposes a front and side yard fence height variance in order to construct a 1.8m-high decorative wrought iron fence along the Wesley Street frontage and above a 1.1m-high side yard retaining wall.
- The City has agreed to cost share with the neighbouring property (424 Wesley Street) for a side yard fence on top of the retaining wall within City property. The neighbouring fence is included within DVP362.
- The proposed fence is requested to increase site security and control after-hours use of the property. The 1.8m-high fence was recommended within a third-party security review for the subject property.
- Staff support the proposed variance that would allow a low-barrier design solution to address safety concerns.

#### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Site Plan  
ATTACHMENT D: Aerial Photo |

**Submitted by:**

L. Rowett  
Manager of Current Planning

**Concurrence by:**

D. Lindsay  
Director of Community Development

Laura Mercer  
Acting Director, Financial Services

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

### **TERMS OF PERMIT**

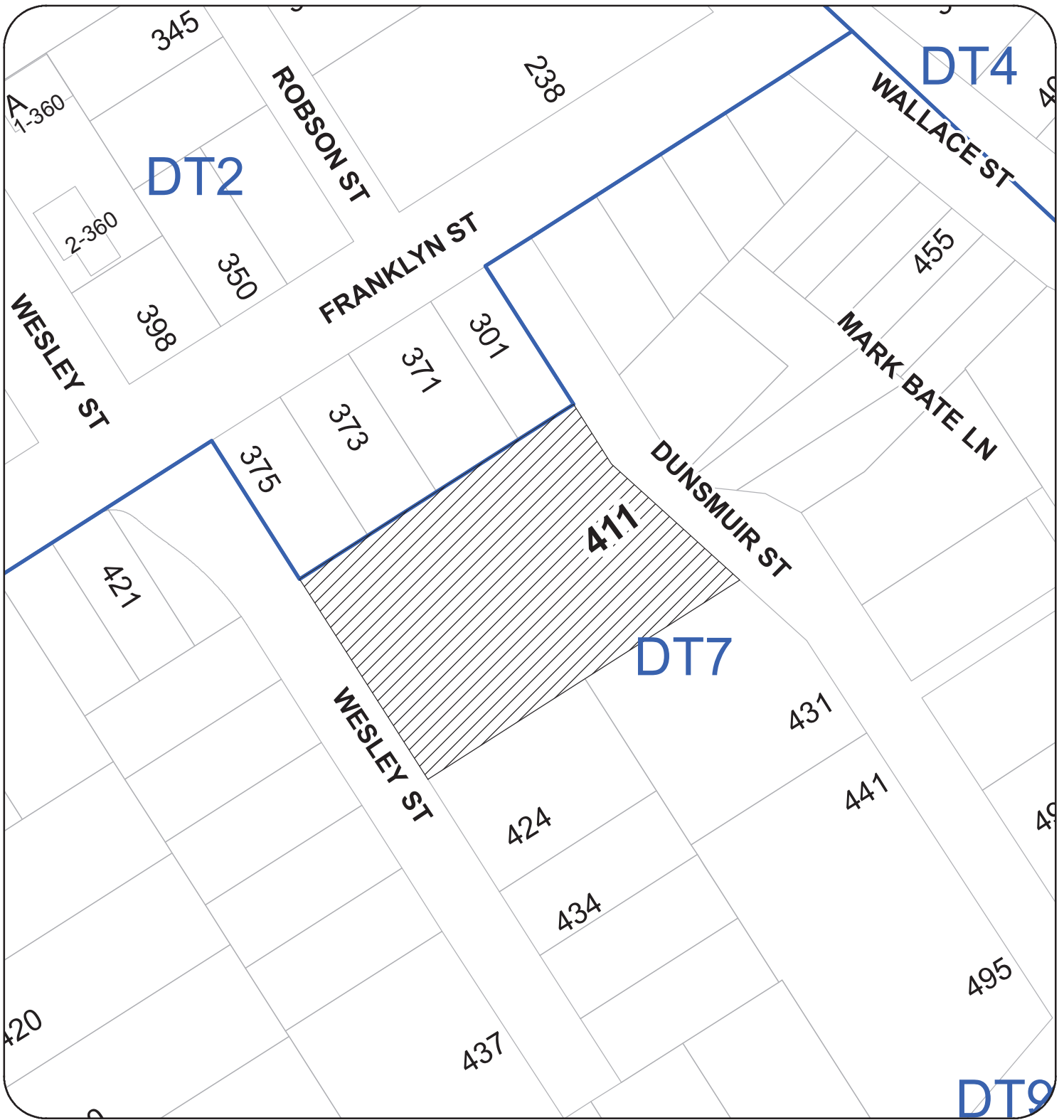
The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is varied as follows:

1. *Section 6.10.2* – to increase the maximum fence height within the front and side yard setbacks from 1.2m to 1.8m within the front yard, and from 1.8m to 2.9m within the south side yard setback for a permeable fence, as illustrated on the Site Plan, as shown on Attachment C.

### **CONDITIONS OF PERMIT**

1. The subject property shall be developed in accordance with the Site Plan received 2019-FEB-21, as shown on Attachment C.
2. The fencing shall consist of decorative wrought iron or pressed steel design complementary to the Old City Neighbourhood.

ATTACHMENT B  
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00380

LOCATION PLAN

Civic: 411 DUNSMUIR STREET  
Legal Description: LOT A, SECTION 1,  
NANAIMO DISTRICT, PLAN 36955

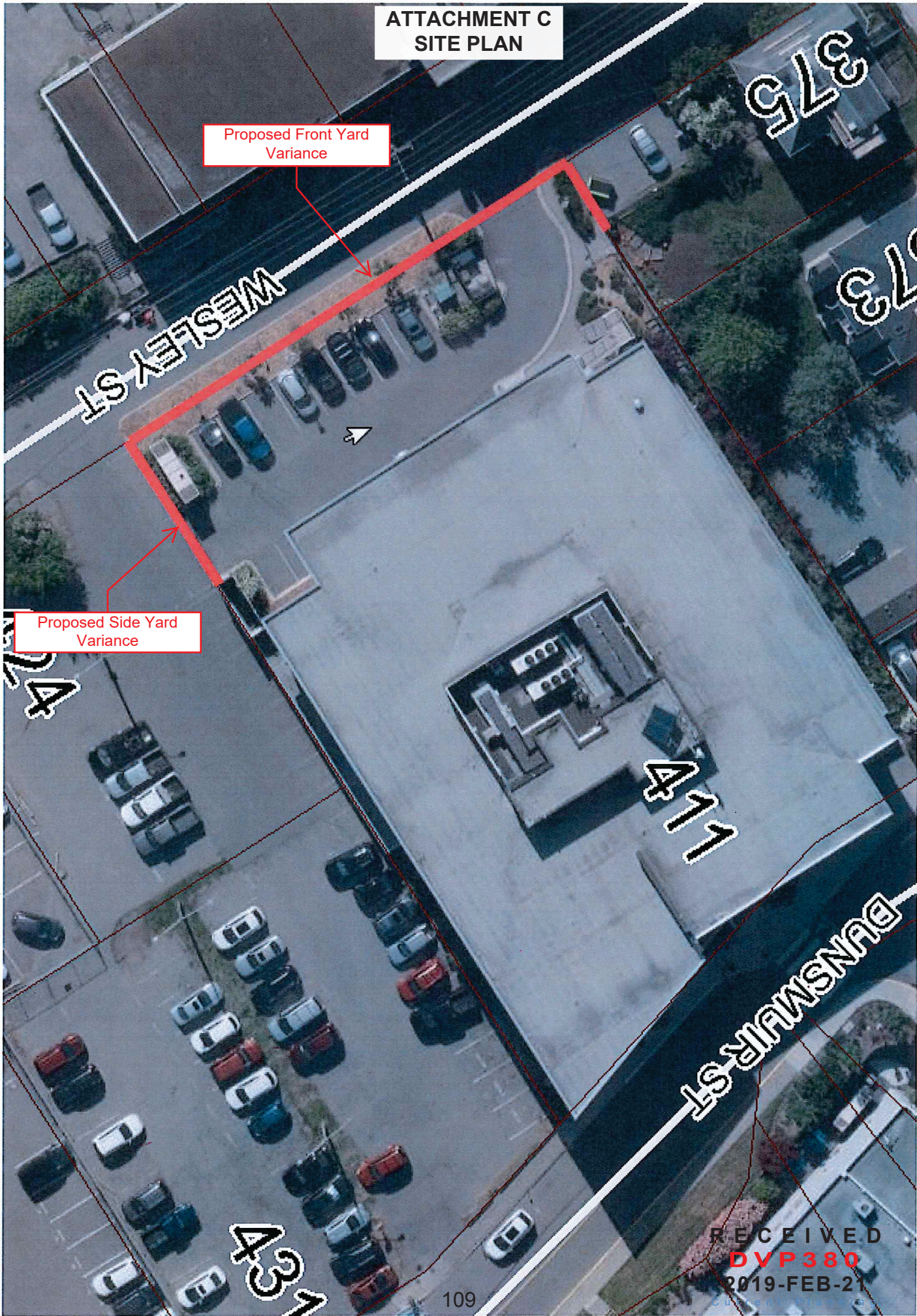


Subject Property

ATTACHMENT C  
SITE PLAN

Proposed Front Yard  
Variance

Proposed Side Yard  
Variance



RECEIVED  
DVP380  
2019-FEB-21

ATTACHMENT D  
AERIAL PHOTO



DEVELOPMENT VARIANCE PERMIT NO. DVP00380

 SUBJECT PROPERTY