



## NOTICE OF DEVELOPMENT VARIANCE PERMIT RESOLUTION

Notice is hereby given that the Council of the City of Nanaimo, at its meeting to be held on 2018-MAR-19, at 7:00 p.m. in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, B.C., will consider the approval of a resolution to issue a development variance permit as follows:

### **Development Variance Permit No. DVP00343**

A development variance permit application was received from Greenplan (Mr. Jack Anderson), on behalf of W2 Enterprises Ltd., to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" in order to permit an over-height retaining wall/fence currently under construction at 114 Fry Street and to allow two oversized refrigerated shipping containers to temporarily be stored on the subject properties.

### **Proposed Variances**

**Section 6.10.2 (Fence)** of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires that fences and retaining walls located within the rear yard within the COR3 Zone not exceed a maximum height of 1.8m. The proposed retaining wall with a fence has a combined height of 6.5m, a proposed variance of 4.7m.

Note: A previous variance (DVP307) was approved to permit a 6.5m retaining wall with fence for 110 and 106 Fry Street. The proposed fence height/retaining wall variance is for the adjacent property at 114 Fry Street to facilitate the completion of the wall.

**Section 6.2.1 (Containers)** of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" permits a container as an accessory use for a temporary period within the COR3 Zone, subject to the following requirements:

<i>Length of Temporary Use</i>	<i>Max Allowable Size of Container</i>	<i>No. of Containers Permitted on Property</i>
30 days within a calendar year	20m <sup>2</sup>	No more than 1

The applicant is requesting the following variances to Section 6.2.1:

- increase the maximum allowable size of a container from 20m<sup>2</sup> to 29.75m<sup>2</sup>;
- increase the length of time containers are permitted to be located on a property from 30 days within a calendar year to up to 1 year;
- increase the maximum number of containers permitted on a property from one to two to be located at 110 Fry Street.

**Section 9.5.1 (Corridor Setbacks)** – The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" requires a minimum rear yard setback of 7.5m for all buildings and structures

(including containers). The proposed rear yard setback for the containers is 4.5m, a proposed variance of 3m.

Location

The subject property is located at 110 and 114 FRY STREET. This subject properties are legally described as LOT 18, BLOCK 4, SECTION 1, NANAIMO DISTRICT, PLAN 584; and, THAT PART OF LOT 17, BLOCK 4, SECTION 1, NANAIMO DISTRICT, PLAN 584 LYING NORTHERLY OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 21 FEET SOUTHERLY FROM THE NORTHERLY BOUNDARY OF SAID LOT. The subject properties are identified on Attachment A.

This application may be reviewed at the Community Development Department, 411 Dunsmuir Street, Nanaimo, B.C., during normal business hours 8:30 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays, from 2018-MAR-08 to 2018-MAR-19, inclusive. Anyone wishing to address this matter will be given the opportunity to be heard at the Council meeting.

This notification is published in accordance with Section 499 of the *Local Government Act*.

Current Planning and Subdivision  
**Community Development**  
CITY OF NANAIMO  
250 755-4429

# **To: Mayor and Council of the City of Nanaimo – March 16, 2018**

As neighbors of Omni Foods, which is located at 114 Fry Street, we are against the granting of Proposed Development Variance Application No. DVP00-343, Section 6.2.1 (Containers). We feel that the noise generated 24 hours a day, 7 days a week will / does affect the enjoyment of our properties. We request that Section 6.2.1 (Containers) NOT be granted.

NAME	ADDRESS	PHONE
JAMES NELSON	315 FINLAYSON	
SHIRLEY NELSON	315 FINLAYSON	
Joyle Hart	111 IRWIN ST	
Pamela James	129 IRWIN ST.	
Jim Kent	123 IRWIN	
Heather MacDonald	1301 Irwin St	
Justin Webber	311 Finlayson St.	
Henry Bender	104 Esplanade	
Celleen moore	1300-104 Esplanade	
<del>Brian Day</del>	111 FRANKLIN ST	
DAN HARRIS	122 IRWIN ST	
L. COUSINS	128 IRWIN ST	
GAIL HARTMAN	140 IRWIN ST	
Barbara Deacon	152 IRWIN ST	
LINDA KURH	119 IRWIN ST	
M. J. J. SCHAFER	142 IRWIN ST	

NAME	ADDRESS	PHONE
Martin M'Each	153 Irwin St.	
M. A. McDougall	157 Irwin St	
S L McGeough	163 IRWIN ST	
N J Kelly	163 IRWIN ST	
Ed Chad	167 Irwin St	
James Robertson	167 Irwin St.	
James Morrison	790 Milton St	
Bryan Fowler	102 Irwin St.	
Anthony Rance	110 Irwin St	
Ed Hill	106 Irwin St	
John Bailey	124 Fry St	
Stuart van Nehen	124 Fry St	
John Fanny Riley	98 Esplanade	
Travis Brown	98 Esplanade	
Walter Webber	311 Finlayson Street	
Walter Webber	311 Finlayson Street	
<del>Walter Webber</del>	156 IRWIN	
Garrett O'Keefe	135 IRWIN	
John O'Keefe	104 Esplanade St.	
Sebastian Van	102 Fry St.	
(37) Glen Homing	Robins Grove	

**FINLAYSON ST**

**IRWIN ST**

**FRY ST**

**MILTON ST**

**ESPLANADE**

**PRC2**

**COR3**

**R1**

**R4**

**R4**

**Note:** All circled addresses have signed the petition.  
- 106 Fry to 120 & 128 Fry to 150 are businesses.

**do not HOME**

**NOT HOME**

**104**

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1009  
210

Note: All circled addresses have signed the Petition.  
- 106 Fry to 120 & 128 Fry to 150 are businesses.



DEVELOPMENT VARIANCE PERMIT NO. DVP00343

Civic: 110 and 114 Fry Street

## Subject Properties