

DATE OF MEETING | April 1, 2019 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND SUBDIVISION |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP362 – 424 WESLEY STREET** |

OVERVIEW

Purpose of Report

To present for Council's consideration, a development variance permit application to allow an over-height front yard fence on the property located at 424 Wesley Street.

Recommendation

That Council issue Development Variance Permit No. DVP362 at 424 Wesley Street with the following variance:

- increase the maximum allowable fence height from 1.2m to 1.83m in the front yard setback along Wesley Street.

BACKGROUND

A development variance permit application, DVP362, was received from Nanaimo Credit Union, 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 yard fence on the subject property.

An application (DVP380) is also included on the Council agenda for a side and front yard fence height variance for the property located at 411 Dunsmuir Street, the City of Nanaimo Service and Resource Centre. The subject property is located immediately south of the City property. DVP380 includes a side yard fence height variance to allow a fence to be located on top of the existing retaining wall on the side yard property line shared between the two properties. The property owners have agreed to a cost share to pay for the side yard portion of the fence, pending approval of DVP380 for 411 Dunsmuir Street.

Subject Property

<i>Zoning</i>	DT7- Quennell Square
<i>Location</i>	The subject property is on Wesley Street, south of the Service and Resource Centre.
<i>Lot Area</i>	859m ²
<i>Official Community Plan (OCP)</i>	Urban Node – Downtown Centre

In conjunction with 431 Dunsmuir Street, the subject property is currently used as a parking lot to provide parking to support the office use at 490 Dunsmuir Street. The subject property is located between the City of Nanaimo Service and Resource Centre building at 411 Dunsmuir

Street and the rear parking lot (350 Albert Street) used to support the six-storey office building located at 495 Dunsmuir Street.

On 2017-NOV-20, Council approved a development variance permit (DVP329) to permit the construction of a 1.8m chain link fence on the properties located at 350 Albert Street, 434 and 450 Wesley Street, which are located immediately south of the subject property.

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 1.83m-high chain link fence along the Wesley Street frontage of the property. The applicant wishes to construct the fence in order to decrease pedestrian permeability to the site and provide a safer parking area for the tenants of the office building. An access gate will be installed to allow controlled vehicle access from Wesley Street.

Vehicle access to the parking lot is also available through the property located at 431 Dunsmuir Street, which is also owned by applicant. The fence will connect to a wrought iron fence above the retaining wall at 411 Dunsmuir Street, which will be included within DVP380.

The applicant has noted an increase in transient pedestrian and vehicular traffic through the subject property. The subject property, along with 431 Dunsmuir Street, are often used as an informal shortcut between Wesley Street and Dunsmuir Street. The applicant notes vehicles cutting through the properties are often exceeding the 10km posted suggested speed limit and creating a danger for pedestrians and other vehicles. The applicant has also noted instances of vandalism, littering, drug use, anti-social behaviour, and other crime occurring on the parking lot properties. Staff have visited the properties on a number of occasions, including a site visit with the applicant, and are aware of the social issues noted by the applicant.

The applicant has implemented other measures to improve the property, including installing parking lot lighting, removing the remnants of a concrete foundation, and pruning the only tree on the lot, which previously provided a concealed shelter for anti-social behaviour. Staff support a low-barrier permeable fence along the Wesley Street frontage as an additional strategy to increase the onsite safety.

Proposed Variances

Maximum Fence Height

The maximum allowable front yard fence height is 1.2m. The proposed front yard fence height is 1.83m; a proposed variance of 0.63m.

The proposed height variance is consistent with the variance recently granted for the neighbouring properties at 350 Albert Street, 434 and 450 Wesley Street, and the proposal for a similar height fence on the City of Nanaimo property to the north (DVP380). The inclusion of a low-barrier fence will provide a design solution to address the public safety concerns raised by the applicant, with minimal compromise to the welcoming nature of the downtown centre. No barbed wire will be included on the fence.

SUMMARY POINTS

- Development Variance Permit Application No. DVP362 proposes a front yard fence height variance in order to construct a 1.83m-high chain link fence along the Wesley Street frontage.
- Staff support the proposed variance that would allow a low-barrier design solution to address public 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 |