

DATE OF MEETING | May 3, 2021 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP418 –  
421 FRANKLYN STREET AND 420/430 SELBY STREET |**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to allow an over height fence on the School District lands at 421 Franklyn Street and 420/430 Selby Street.

### **Recommendation**

That Council issue Development Variance Permit No. DVP418 at 421 Franklyn Street and 420/430 Selby Street with variances to:

- increase the maximum permitted height of a fence within the front yard setback from 1.20m to 1.83m; and
- increase the maximum permitted height of a fence within the side and flanking side yard setback from 1.80m to 1.83m.

## **BACKGROUND**

A development variance permit application, DVP418, was received from Herold Engineering Ltd. on behalf of the Board of Education of School District No. 68 (SD68) and The Crown in Right of the Province of British Columbia to vary the provisions of "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") in order to permit an over height fence.

### **Subject Property and Site Context**

<i>Zoning</i>	DT7 - Quennell Square
<i>Location</i>	The subject properties are located on the south side of Franklyn Street, adjacent to Wesley Street to the east and Selby Street to the west.
<i>Total Lot Area</i>	0.94ha
<i>Official Community Plan Future Land Use Designation</i>	Urban Node - Downtown
<i>Neighbourhood Plan Land Use Designation</i>	Nanaimo Downtown Plan Quennell Square

The subject site is located on Franklyn Street in Downtown Nanaimo and is owned by SD68 and The Crown in Right of the Province of British Columbia. The site is made up of 14 separate legal parcels operating under three civic addresses. Three buildings on the site were recently demolished: the Franklyn Street Gymnasium at 421 Franklyn Street (built 1922), the former Quennell School at 420 Selby Street (built 1912) and the former Manual Training School at

430 Selby Street (built 1913). There are grade differences around the edge of the site with downhill slopes facing Franklyn Street and Wesley Street.

Surrounding land uses include commercial uses to the north; office uses, including the City of Nanaimo Service and Resource Centre across Wesley Street, to the east; the Overdose Prevention Site and a daycare owned by SD68 to the south; and residential uses across Selby Street to the west.

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

## **DISCUSSION**

### **Proposed Development**

No development is currently proposed for the site, which will be left vacant once site clearing and demolition is complete. The applicant is proposing to install a fence around the perimeter of the site for security purposes. An existing non-conforming chain-link fence will remain along the Franklyn Street frontage and along the southeast property line. The new fence is proposed to connect to the existing fences and will be a black vinyl-coated chain-link with galvanized posts and rail. Sliding gates are proposed on the Wesley Street and Selby Street frontages to provide access for maintenance vehicles.

### **Proposed Variances**

#### *Maximum Fence Height*

The maximum height of a fence is 1.20m within a front yard setback and 1.80m within a side or flanking side yard setback in the DT7 zone. The applicant is proposing a fence with a height of 1.83m; requested variances of 0.63m and 0.03m respectively.

The proposed fence will allow the property owners to effectively secure the properties while allowing visibility through the perimeter for CPTED (Crime Prevention Through Environmental Design) purposes.

The subject properties are within the Downtown Centre Urban Node as identified by the Official Community Plan (OCP). The OCP envisions downtown as the primary node in the city, and a welcoming place for residents to work, live, and visit. The OCP's Policy #10 for this urban node states that "public safety will be promoted through sensible design and community-based policing methods". The inclusion of a transparent fence will provide a design solution to address security concerns for the vacant lands without compromising the welcoming nature of the Downtown Centre Urban Node.

Staff support the proposed variances.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP418 proposes variances to increase the maximum height of fence within a front yard setback from 1.20m to 1.83m, and within a side and flanking side setback from 1.80m to 1.83m.
- Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Context Map  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Proposed Site Plan  
ATTACHMENT E: Proposed Fence Details  
ATTACHMENT F: Aerial Photo

#### **Submitted by:**

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#### **Concurrence by:**

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