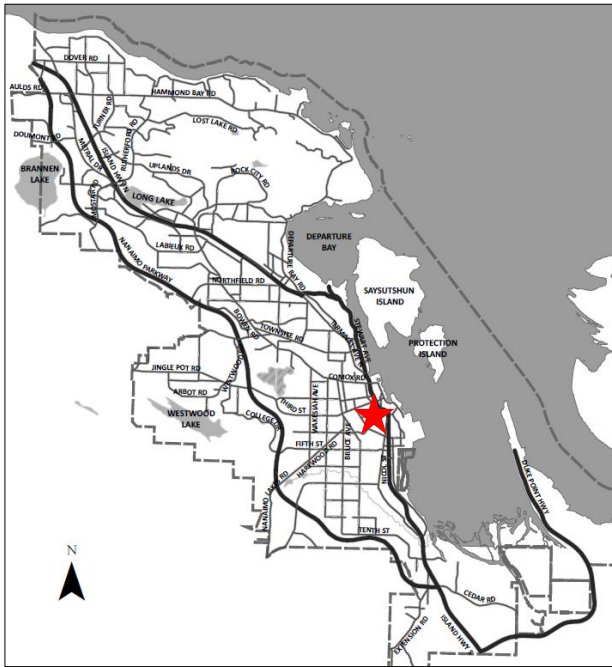


DATE OF MEETING | February 27, 2023

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING

**SUBJECT | DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP449 –  
250 ALBERT STREET**



**Proposal:**

Variance to allow an overhead fence within the front yard setback



**Zoning:**

DT7 – Quennell Square

**City Plan Future Land Use Designation:**

Primary Urban Centre

**Lot Area:**

2,698m<sup>2</sup>



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration, a development variance permit application to allow the construction of an over height fence height on an existing commercial property. |

### **Recommendation**

That Council issue Development Variance Permit No. DVP449 at 250 Albert Street to allow the construction of an over height fence with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2023-FEB-27. |

## **BACKGROUND**

A development variance permit application, DVP449, was received from the Canadian Mental Health Association – Mid Island Branch, to vary the provisions of the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to increase the maximum allowable fence height to allow the construction of an over height fence in the front yard setback of an existing commercial property located at 250 Albert Street.

### **Subject Property & Site Context**

The subject site is composed of three legal lots and is located on the north corner of the intersection of Albert Street and Dunsmuir Street in Downtown Nanaimo. The property contains an existing commercial building with fencing installed along the northwest lot line adjacent to Mark Bate Lane. This location was recently designated as an Overdose Prevention Site (OPS). Established commercial, institutional, and multi-family developments characterize the surrounding area with City Hall located to the northwest.

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

## **DISCUSSION**

### **Proposed Development**

The applicant proposes to construct an over height decorative wrought iron fence along edge of the sidewalk fronting Dunsmuir Street, which will tie into the existing fence to the west abutting Mark Bate Lane and the existing building to the south.

### **Proposed Variance**

#### *Maximum Fence Height*

The maximum fence height in the DT7 zone is 1.2m within the front yard setback. The applicant is proposing to increase the maximum fence height from 1.2m to 1.83m. This represents a variance of 0.63m.

The applicant wishes to complete the fencing to secure the site for staff and deter property damage, vandalism, littering, and anti-social behaviour. The decorative and visually permeable iron fence style is similar to fencing installed on neighbouring properties and is complimentary to

the character of the Downtown area. Staff support the proposed variance to allow the construction of an over height fence.

### **SUMMARY POINTS**

- Development Variance Permit No. DVP449 proposes to increase the maximum allowable fence height in the front yard setback from 1.2m to 1.83m.
- The proposed decorative fencing will secure the site by tying into an existing fence and building and compliments similar fencing uses at neighbouring properties in the Downtown area.
- Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Map  
ATTACHMENT C: Site Survey  
ATTACHMENT D: Fence Elevation  
ATTACHMENT E: Site Photo

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO