

REQUEST FOR DECISION

DATE: September 23, 2015

Report No. DEV-15-047

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner

SUBJECT:

Development Variance Permit, 464 Grafton Street, PID 007-474-032 Lot 17, Suburban Lot 29, Esquimalt District, Plan 1428

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00036, attached as Schedule A to Staff Report DEV-15-047, authorizing the installation of a 1.85 metre fence in front of the front face of the Principal Building, constructed as shown on photographs submitted with the application stamped "Received July 24, 2015", and sited as detailed on the Fence Location Certification prepared by Glen Mitchell Land Surveying Inc., stamped "Received July 24, 2015", and including the following relaxation to Zoning Bylaw, 1992, No. 2050, **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 007-474-032 Lot 17, Suburban Lot 29, Esquimalt District, Plan 1428 [464 Grafton Street].

Zoning Bylaw No. 2050, Section 34(10) – Fencing - a 0.65 metre increase to the permitted fence height in front of the front face of the Principal Building from 1.2 metres to 1.85 metres.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No 2050

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Purpose of the Application

The applicants are requesting approval of Development Variance Permit DVP00036 to authorize an existing fence, constructed 1.85 metres [6.1 ft] in height, in the front yard of 464 Grafton Street. The applicant has stated that the purpose of the fence is to protect plants, shrubs and trees located in the front yard from the negative impacts of deer [Schedule B].

Zoning Bylaw, 1992, No. 2050 restricts the height of fences in front of the front face of the Principal Building to 1.2 metres [4 ft.]. This regulation to fence height allows property owners to clearly demarcate private property yet still provide a neighbourly appearance to the street.

As detailed in the Fence Location Certificate [Schedule A] and the site photos [Schedule A] the 1.85 metre, white, powder coated aluminum fence has already been installed in the front yard of 464 Grafton Street and within the municipal boulevard. The RS-1 zoning only applies to that section of the fence located on private property therefore a Development Variance Permit, should it be approved, would only apply to the portion of the fence located between the front lot line and the house.

The fencing located on public land is subject to a Boulevard Alteration Permit for which the applicant has applied. Engineering Services has determined that the Boulevard Alteration Permit must be approved by Council as detailed in Staff Report EPW-15-022.

Context

Applicant/ Owners: Kristina Weiss and Sean Kieley

Property Size: Metric: 526.3 m² Imperial: 5665 ft²

Existing Land Use: Single Family Residence

Surrounding Land Uses:

North: Single Family Residence

South: Single Family Residence

East: Single Family Residence

West: Single Family Residence

Existing Zoning: RS-1 [Single Family Residential] [No change required]

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on August 18, 2015. Staff Liaison, Trevor Parkes, clarified that the RS-1 zone applies only to private property therefore only the section of fence located between the front lot line and the house could be considered by APC. The balance of the fence installed on the municipal boulevard will be dealt with in a parallel report to Council from the Engineering Department – the Department having jurisdiction over the use of boulevards. APC members commented that they empathized with the applicant's plight with the deer damaging their vegetation. Members also indicated that it would improve the application if the fence were moved back onto their private property. The APC recommended forwarding the application to Council with a **recommendation of approval**.

ISSUES:

1. Rationale for Selected Option

The fencing has been installed at the minimum height to be effective for its intended purpose of preventing access to the yard by urban deer. The applicants have considered the local neighborhood impact by installing a visually permeable fence made from a durable material that is less prone to deterioration thereby become unsightly. The Advisory Planning Commission has recommended approval of the application. Local residents have provided written support for the retention of the fence and, to date, none of the neighbours have expressed any concern regarding the height of the fence.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

This Request for Decision has few sustainability and environmental implications.

5. Communication & Engagement

In support of this application the property owner proactively sought the opinions of their neighbours and have submitted signed documentation in support of the allowing the fence to remain in place [Schedule C]

As this application includes a Development Variance Permit, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on September 11, 2015 indicating that Council would be considering the requested Development Variance Permit on September 28, 2015 [Schedule D]. To date, no responses have been received from the public as a result of these notifications.

ALTERNATIVES:

1. That Council resolves that Development Variance Permit No. DVP00036 authorizing the installation of a 1.85 metre fence in front of the front face of the Principal Building, constructed as shown on photographs submitted with the application stamped "Received July 24, 2015", and sited as detailed on the Fence Location Certification prepared by Glen Mitchell Land Surveying Inc., stamped "Received July 24, 2015" **be approved, and staff be directed to issue the permit and register the notice on the title.**
2. Council **deny** Development Variance Permit No. DVP00036.