



Committee of the Whole Report For the Meeting of December 3, 2020

To: Committee of the Whole **Date:** November 28, 2020
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: 540 William Street – Fence Bylaw Variance Request

RECOMMENDATION

That Council approve the request for fence with a height of 3.05 m for the property located at 540 William Street, as shown in the submitted drawings in Appendix A of this report.

EXECUTIVE SUMMARY

The purpose of the report is to provide Council with information, analysis, and recommendations regarding a request for an over-height fence, with a height of 3.05m, along the Wilson Street frontage of the property at 540 William Street. The proposed fence is consistent with the relevant guidelines, and the Chief Building Inspector reports that the fence does not pose any safety concerns, a requirement of the *Fence Bylaw*.

PROPOSAL

The metal fence, with a maximum height of 3.05m (10'-0"), has been proposed to be constructed at 540 Williams Street, along the Wilson Street frontage. The fence design incorporates open space between the vertical strands that create some permeability into the site and reduce the impact of the height, which rises from 2.4 metres to 3.05 metres at the gate in order to create visual interest. The drawings are included in Appendix A.

ISSUES AND ANALYSIS

For land zoned for industrial or manufacturing use, the *Fence Bylaw* restricts fence height to 2.13m (7'-0"). This height can be increased to a maximum of 3.05m (10'-0") if authorized by Council based on a safety report from the City's Building Inspector.

The Chief Building Inspector has reviewed the proposal for the fence and has concluded that it does not pose any safety concerns. The metal fence does not have sharp protrusions along the top rail and has flat, smooth surfaces on the exterior and interior faces. The fence is not part of the building's egress pathway and so does not block or restrict building evacuation. Installation of the fence as detailed in submitted plans is not believed to pose a risk to the safety of property occupants or a passer-by.

The subject property is located within Development Permit Area (DPA) 7A: Corridors. Within this DPA landscaping changes such as new fences require a Development Permit, which is delegated to staff. The proposal is generally consistent with the *Guidelines for Fences, Gates and Shutters*, as well as the *Design Guidelines for Multi-Unit Residential, Commercial and Industrial* and the *Revitalization Guidelines for Corridors, Villages and Town Centres*, which recommend that unenclosed storage should be screened with fencing or landscaping.

With the addition of tall fences along property lines, staff are often concerned about the fortification of streets and neighbourhoods and the unintended message that this sends to people passing by. However, in this instance, the current fence is in poor repair, the area being fenced is used for loading and outdoor storage and the area is flanked by retaining structures and blank walls, so the addition of the fence offers a continuation of that condition, in a manner that screens and protects the storage area and offers a greater degree of ornamentation and higher quality materials than exists now.

The business owner has indicated that several thefts have occurred recently in their back-yard storage area and believe that a higher fence would deter further theft. The new fence would also allow better visibility into the storage area from the street which is also seen as a deterrent to theft.

CONCLUSION

The proposed installation of a 3.05 m high fence along the Wilson Street frontage at 540 William Street is not believed to pose a risk to the safety of property occupants or passer-by's and is consistent with the relevant guidelines. It is therefore recommended that Council consider approving this request.

Respectfully submitted,



Calvin Gray, Chief Building & Plumbing Inspector
Sustainable Planning and Community Development Department



Karen Hoese, Director
Sustainable Planning and Community Development Department



Report accepted and recommended by the City Manager: _____

Date: November 26, 2020

List of Attachments

- Appendix A: Proposed Fence Elevation
- Appendix B: VicMap Aerial and Birds Eye View
- Appendix C: Existing Street-Level View