



Committee of the Whole Report

For the Meeting of April 1, 2021

To: Committee of the Whole **Date:** March 18, 2021

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Development Variance Permit No. 00256 for 545 Manchester Road and 520 Dunedin Street

RECOMMENDATION

That Council decline Development Variance Permit Application No. 00256 for the properties located at 545 Manchester Road and 520 Dunedin Street.

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Application for the property located at 545 Manchester Road and 520 Dunedin Street. The proposal is to increase the fence height from 1.2m (4ft) to 1.83m (6ft) in the front yard along Manchester Road.

The following points were considered in assessing this Application:

- In compliance with the *Fence Bylaw*, the applicant has already installed a 1.83m high fence along the side and rear (Dunedin) property lines of the property. The proposal is to now extend this fence, at the same height, around the front of the building along Manchester Road, which would require a variance, as the *Fence Bylaw* restricts fences to 1.2m along the front of properties.
- Even though the proposal is exempt from the *Guidelines for Fences, Gates and Shutters* (2010), the guidelines represent the basic principles of placemaking and good urban design, and state that fence proposals must complement the character of the street and not result in a fortress-like appearance. The applicant notes that the request for the height variance is driven by security concerns; however, the guidelines also note that shorter fences can serve as a deterrent to unwanted behaviours without creating a sense of fortification.

- The proposed fence appears fortress-like along the residential streetscape and it is recommended that the variance not be approved; however, an alternate motion is provided should Council wish to consider the application at an Opportunity for Public Comment.

BACKGROUND

Description of Proposal

The proposal is to increase the fence height from 1.2m (4ft) to 1.83m (6ft) in the front yard along Manchester Road. The applicant is proposing a picket-style metal fence with pointed projections along the frontage and into the site near the main entrance to secure the front yard of the multi-unit residential building.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on December 10, 2020 the application was referred for a 30-day comment period to the Burnside Gorge CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area 7A (DPA 7A): Corridors. However, the construction of the existing multi-unit residential building and associated on-site landscaping was approved and preceded the establishment of DPA 7A and associated design guidelines, and therefore, the proposed fence does not require a Development Permit.

Even though the proposal is technically exempt from the *Guidelines for Fences, Gates and Shutters* (2010), the guidelines represent the basic principles of placemaking and good urban design, which still come to bear in assessing a variance application, and state that fence proposals must complement the character of the street and not result in a fortress-like appearance. The proposed metal fence with pointed projections appears fortress-like and would negatively impact the streetscape and residential character of the neighbourhood. A shorter fence of similar design and high-quality materials, consistent with the *Fence Bylaw*, would also function as an effective deterrent against trespassing, which is the predominant reason for the applicant's requested variance.

Burnside Gorge Neighbourhood Plan

According to the *Burnside Gorge Neighbourhood Plan* (2017), maintaining and enhancing the existing character of green front yards and tree-lined streets is envisioned along local streets, including Manchester Road, located in the Sumas residential area east of Jutland Street. Installing a fortress-like fence along the large frontage (approximately 83m) of the subject

property would alter the appearance of one-third of the streetfront and the village greenway proposed for Manchester Road.

Tree Preservation Bylaw and Urban Forest Master Plan

The proposed fence, if it is approved, would be installed adjacent to two existing municipal maple trees located within the frontage along Manchester Road. Staff have provided mitigation measures to be followed by the applicant to minimize negative impacts to the trees.

Regulatory Considerations

Fence Height

The applicant is proposing to increase the fence height from 1.2m to 1.83m along the Manchester Road frontage. As noted above, a higher fence would negatively impact the streetscape and the village greenway envisioned for Manchester Road; therefore, the proposed variance is not considered supportable.

CONCLUSIONS

The proposal to construct a 1.83m high fence along the Manchester frontage of the subject property is not supportable due to the fortress-like appearance it would create along the street. A 1.2m high fence with a similar design, which would comply with the *Fence Bylaw*, would be more appropriate to minimize the visual impact along the street and likely fulfil the purpose of increased security. The existing shrubbery would assist in screening a shorter fence as well. It is recommended for Council's consideration that the application be declined. However, an alternate motion is provided should Council wish to advance the application "as is" to an Opportunity for Public Comment.

ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00256 for 545 Manchester Road and 520 Dunedin Street in accordance with:

1. Plans date stamped February 1, 2021.
2. Development meeting all *Fence Bylaw* requirements, except for the following variance:
 - i. increase the height of fence from 1.2m to 1.83m.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,

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Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 1, 2021
- Attachment D: Letter from applicant to Mayor and Council received December 7, 2021
- Attachment E: Neighbourhood Consultation from the applicant
- Attachment F: Incident reports from the applicant.