

**E.1.a.d-545 Manchester Road and 520 Dunedin Street: Development  
Variance Permit No. 00256 (Burnside)**

**Moved By** Councillor Alto

**Seconded By** Councillor Thornton-Joe

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.”

FOR (7): Mayor Helps, Councillor Alto, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Thornton-Joe, and Councillor Young

OPPOSED (2): Councillor Isitt, and Councillor Potts

**CARRIED (7 to 2)**

**E.2     545 Manchester Road and 520 Dunedin Street: Development Variance Permit No. 00256 (Burnside)**

Committee received a report dated March 18, 2021 from the Director of Sustainable Planning and Community Development regarding a Development Variance Application for the property located at 545 Manchester Road and 520 Dunedin Street in order to increase the fence height from 1.2m (4ft) to 1.83m (6ft) in the front yard along Manchester Road.

**Moved By** Councillor Andrew  
**Seconded By** No Seconder

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

**FAILED DUE TO NO SECONDER**

**Moved By** Councillor Thornton-Joe  
**Seconded By** Councillor Alto

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:

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*Committee discussed the following:*

- *Four feet limit in current bylaw does not keep deer out and is not adequate*
- *Concerns of whether fences over four feet would appear fortress-like*
- *A similar height could be allowed if it were cedars as opposed to a fence*

FOR (5): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Thornton-Joe, Councillor Young

OPPOSED (4): Councillor Andrew, Councillor Dubow, Councillor Isitt, Councillor Potts

**CARRIED**



## Committee of the Whole Report

### For the Meeting of April 1, 2021

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**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

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### 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,

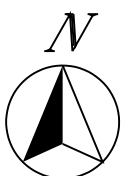
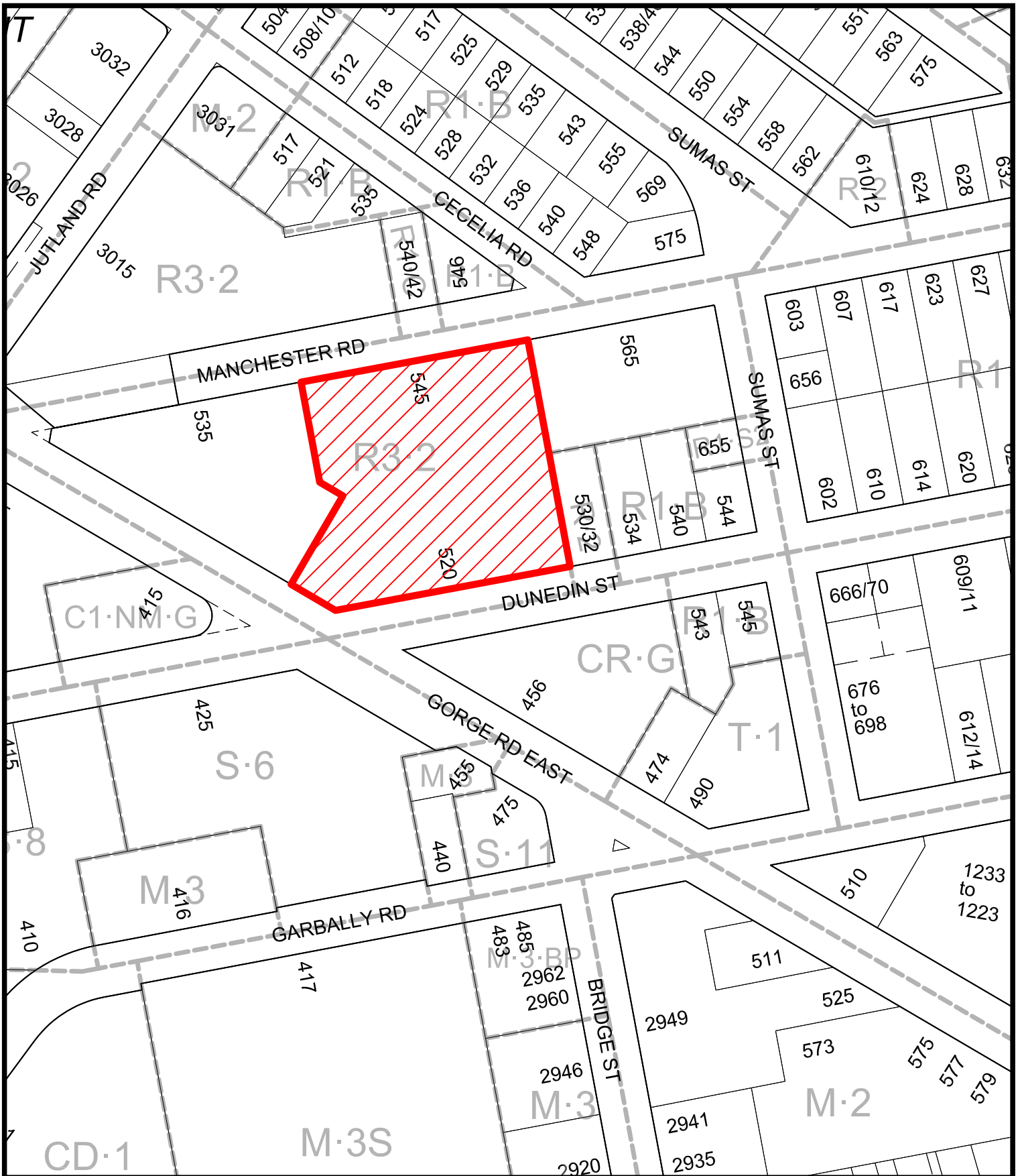
Leanne Taylor  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

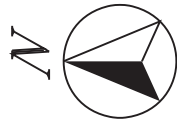
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped February 1, 2021
- Attachment D: Letter from applicant to Mayor and Council received December 7, 2021
- Attachment E: Neighbourhood Consultation from the applicant
- Attachment F: Incident reports from the applicant.



520 Dunedin Street  
Development Variance Permit 00256







520 Dunedin Street  
Development Variance Permit 00256





Manchester Rd

Manchester Rd

Manchester Rd

City Tree  
(Right)

City Tree  
(Left)

545 Manchester Rd,  
Victoria, BC V8T 5H0

520 Dunedin St,  
Victoria, BC V8T 2L6

530  
532

Property Line

Fence Line - Old

Fence Line - New

G = Gate



Revisions

Received Date:  
February 1, 2021

Dunedin St













RENDERING

RENDERING

RENDERING



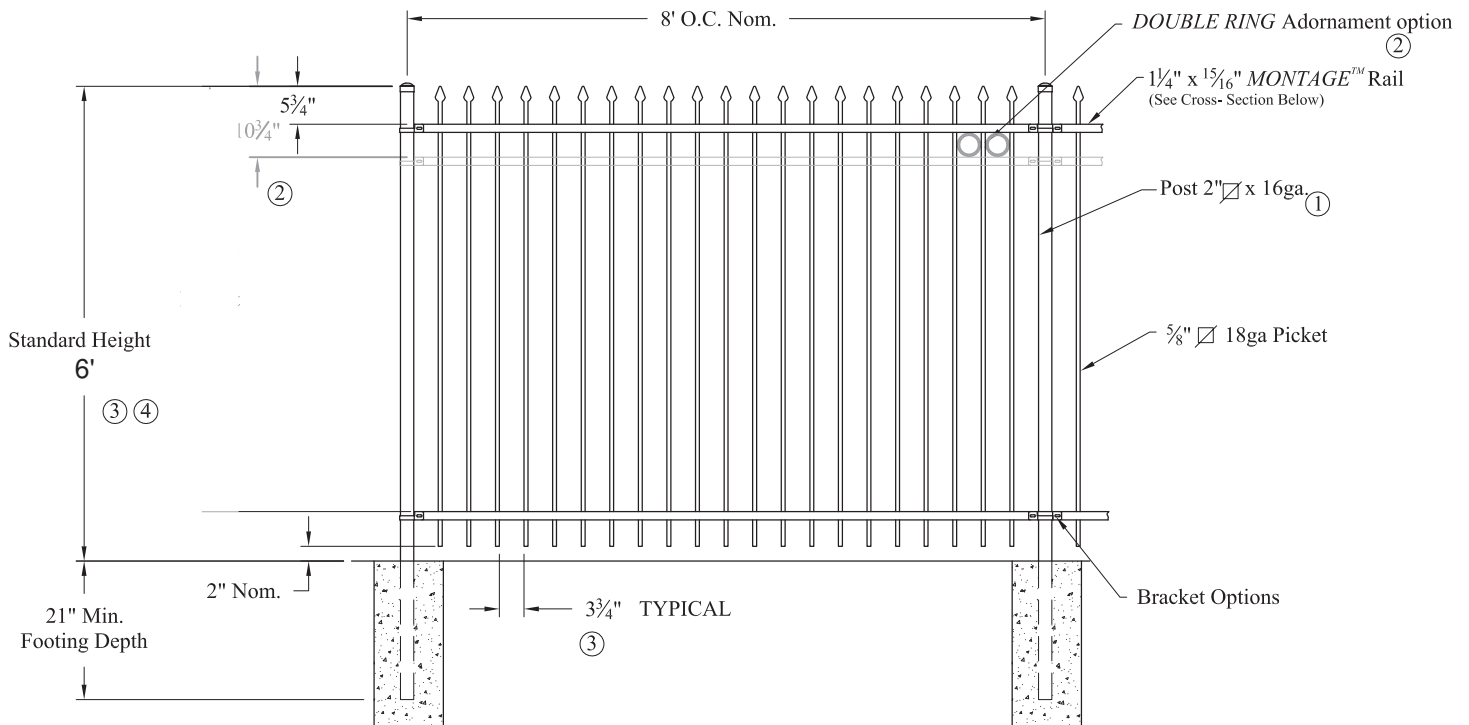


RENDERING

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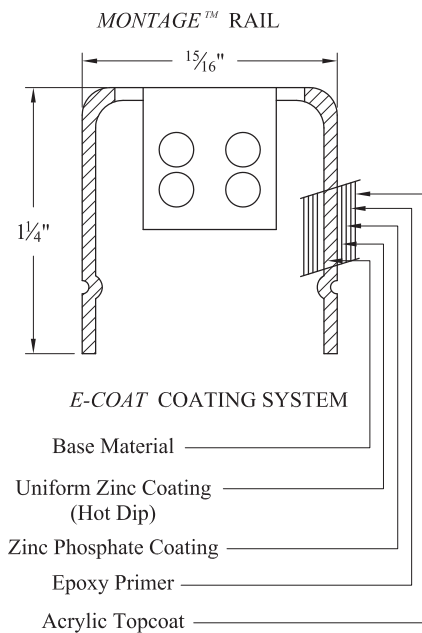


**NOTES:**

- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
- 2.) Third rail required for *Double Rings*.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

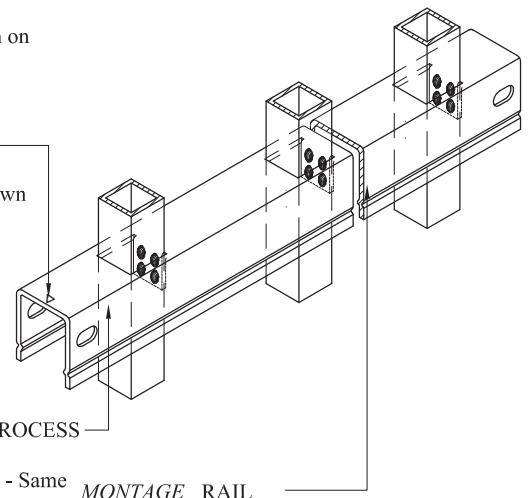
**RAKING DIRECTIONAL ARROW**

Welded panel can be raked 45" over 8' with arrow pointing down grade.

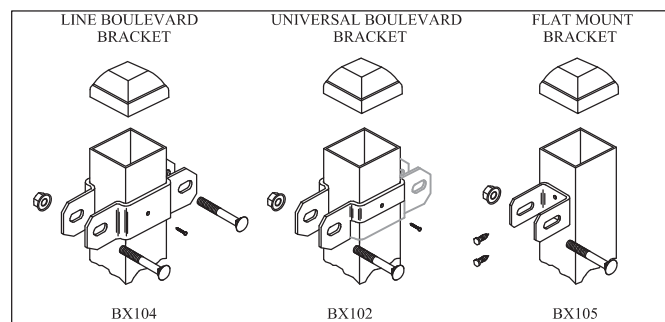


**PROFUSION™ WELDING PROCESS**

No exposed welds,  
Good Neighbor profile - Same  
appearance on both sides



Specially formed high strength  
architectural shape.



**RESIDENTIAL WELDED STEEL PANEL**

**PRE-ASSEMBLED**

Title: **MONTAGE CLASSIC 2/3-RAIL**

DR: CI SH . 1 of 1 SCALE: DO NOT SCALE

CK: ME Date 7-19-11 REV: c



**AMERISTAR®**

1555 N. Mingo  
Tulsa, OK 74116  
1-888-333-3422  
www.ameristarfence.com

Values shown are nominal and not to be used for  
installation purposes. See product specification  
for installation requirements.

RCISO



← City Tree  
(Left)

Trunk to grass  
>3 Feet

Fence line



**City Tree  
(Right)** →

**Fence line**

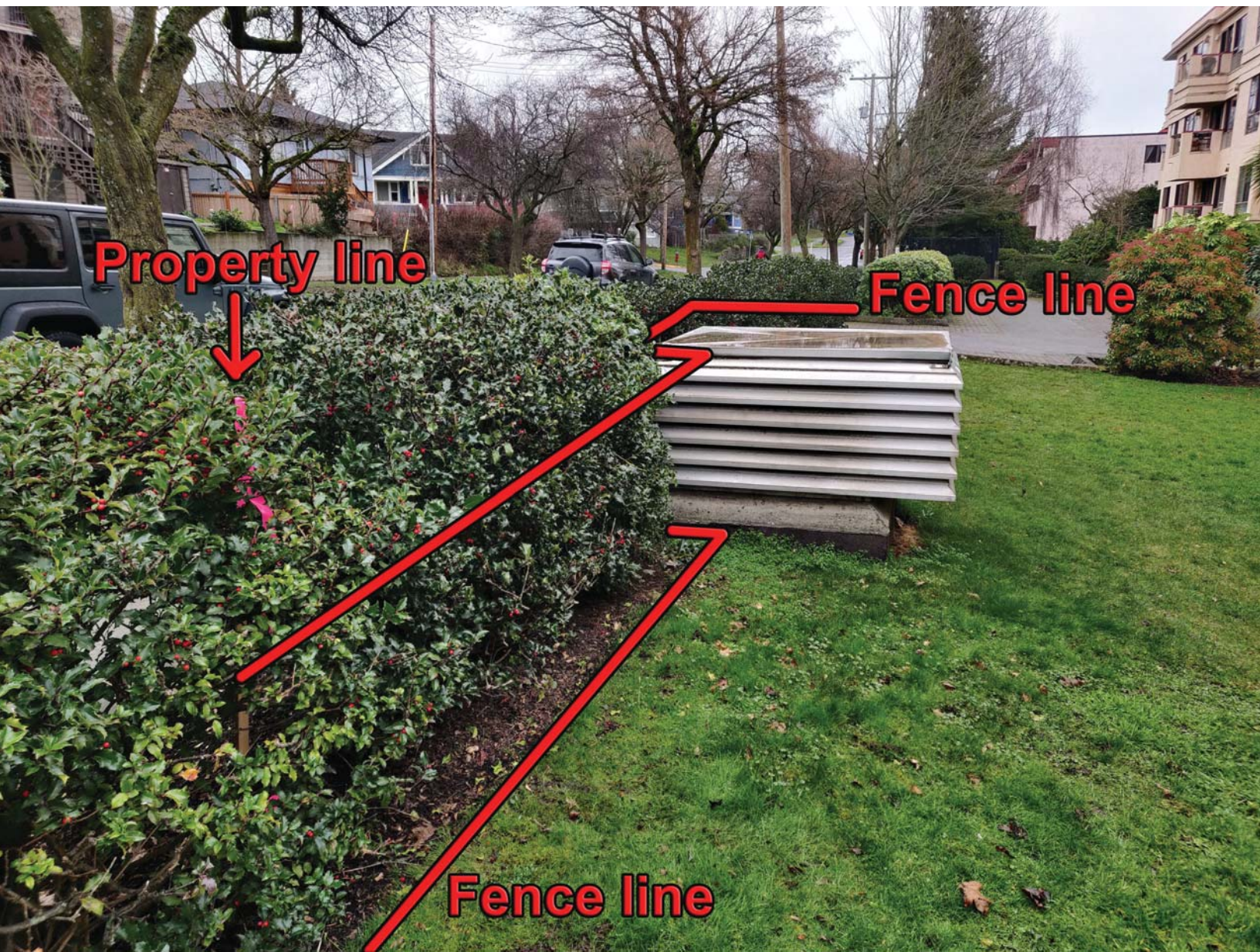
**Property line** ↓

TRAYLOR'S CORNER CIP

SP  
V15  
3192







**Property line**

**Fence line**

**Fence line**







545



PASSENGER DROP  
OFF ONLY

**3 MINUTE  
MAXIMUM**

VIOLATORS WILL  
BE TOWED.



Start  
of  
Fence







## Fire Department Connections









**City Tree  
(Right)** →

**Fence line**

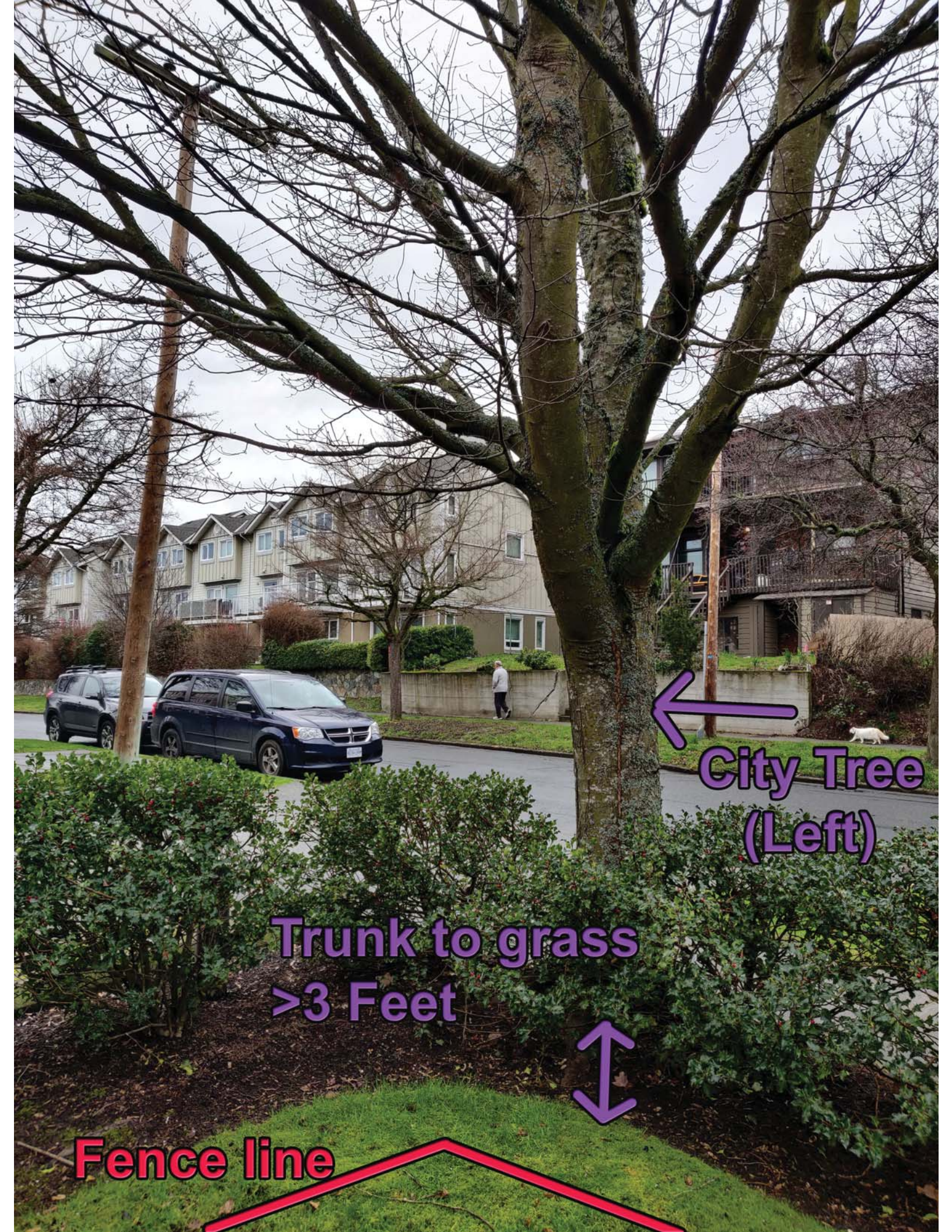
**Property line** ↓

TRAYES - CURVE C/P

SP  
V15  
3192







City Tree  
(Left)

Trunk to grass  
>3 Feet



Fence line





**Fence  
line**

**City Tree  
(Left)**

**Property line**



Dear Mayor and Council,

As you are no doubt aware, crime in our Burnside Gorge neighbourhood has been on the rise. Our community has – within the confines of our strata property – dealt with breaking and entering, aggressive people harassing and threatening violence against our residents, men chasing our children on our front lawn, needles, human feces, and theft from patios. The accessible area around our property has become a place where constant vigilance is required.

One bright spot has been the fenced area between the two buildings of our strata. The six foot security fence installed in the fall of 2018 around the rest of the property has clearly demonstrated the effectiveness of a physical barrier. Inside is a space you can walk barefoot and lay down for a picnic. Outside that area you have to watch your step and sometimes even your back. A sample of specific events is attached to this letter.

As such, to prevent assault, vandalism, theft and litter of bio hazardous materials, **our strata is requesting the approval of a six foot security fence along the front of our property**, an increase of two feet from the standard allowable four feet. This small two foot variance will allow us to balance our requirement for basic safety with aesthetic concerns of neighbourhood planning (please see attached rendering and adjacent-property neighbour's approval).

We thank you for your time and hope that you will consider our security a priority.

Yours sincerely,



Gayle Chong

Strata 2720 Council President

# Neighbour Outreach – 535 Manchester Rd

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Please note: 535 Manchester is adjacent to our property and is the neighbour most affected by our fence.

## Re: Front yard fence

1 message

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Adrian Lowe <[REDACTED]> 12 November 2020 at 14:06  
 To: Helen Merlot <[REDACTED]>  
 Cc: Condo - Dane <[REDACTED]> Marco Taccarelli <[REDACTED]>

Hi Helen, **I'm happy to report that everyone on our Council has had a chance to respond, and no concerns were expressed with your plans. Feel free to proceed :) [color and bolding added]**

Thanks,

Adrian

On Wednesday, November 4, 2020, 1:56:22 p.m. PST, Helen Merlot <[REDACTED]> wrote:

OK! No problem for the light - we'll make sure we go over it (we will not impale it with the bottom of the fence).

So, I guess the plan is to use the retaining wall. The current plan - with your OK - is to remove the guardrail and put the fence in its place. We will be sure to retain your signage and replace it on the new fence. Again, the total height of the fence would be 6' (retaining wall + fence = 6')

Thanks again!

Helen

On Wed, 4 Nov 2020 at 11:36, Adrian Lowe <[REDACTED]> wrote:  
 Sorry to hear about the break-in, Helen, thanks for the warning.

As for the retaining wall, again, I don't see any problem...except we have installed a light at the top end of our driveway, bolted to the top surface of the retaining wall. Would it be possible to create a bit of a "jog" in the bottom of whatever fence would be there, in order to loop over the light? The light only extends about 6-8 inches above the level of the retaining wall, but it provides the major illumination for the upper part of our driveway, and we would not want to lose that. Take a look, you'll see what I mean.

Adrian

On Wednesday, November 4, 2020, 11:22:52 a.m. PST, Helen Merlot <[REDACTED]> wrote:

Thank you very much for your quick response!

I spoke to Gayle and as it stands I believe the plan is to put the fence on the retaining wall, but maintain the total height at 6' (retaining wall + fence = 6').

Also, BTW, we had a break-in last night. Someone has been going around and breaking into the intercom access panel and short circuiting the system to gain access to the building. We are at the very least changing the lock (I guess the same key often works across buildings), but we are hoping to upgrade it to a higher security lock.

Thanks again, neighbor!

Helen

On Wed., Nov. 4, 2020, 10:28 Adrian Lowe, <[REDACTED]> wrote:  
Hi Helen, it all looks fine to me, but I will have to circulate these details to my strata colleagues for their own comment. I will get back to you as soon as possible. It was very nice talking to you :)

Adrian

On Wednesday, November 4, 2020, 09:14:24 a.m. PST, Helen Merlot <[REDACTED]> wrote:

Good morning!

Thank you for your time on the phone this morning :)

As discussed, we are applying to the city to get a variance to allow a 6' (vice 4') fence to be built in our front yard - map and renderings attached. I will get back to you with the exact placement of the fence WRT to the railing and retaining wall.

**As our neighbor, we were hoping for your blessing, or an opportunity to discuss the project if you do have concerns.**

Thank you kindly for your time! You can reach me at this email address or at [REDACTED]

# Crime Reports

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Please note that **this is NOT a complete list**. Unfortunately we have not kept very good records and this list is not at all comprehensive.

## **29 November, 2020 – Attempted Break and Enter**

Unknown person(s) bent fence bars in an attempt to gain access to the shared green space (also grants access to patios facing the green space).

## **3 November, 2020 – Attempted Break and Enter**

Unknown person(s) broke open the Entercomm and attempted to enter the building.

## **20 October, 2020 – Attempted Assault**

GO# VI 2020-38773

Child was run at by an unknown man who was using drugs.

## **14 October, 2020 – Attempted Break and Enter**

GO# VI 2020-901359

Attempt to break in ground floor in the middle of the night into a family residence.

## **24 September, 2020 – Theft Under \$5000**

GO# VI 2020-37271

“sometime overnight a table and some dishes were stolen from her patio. The unknown person(s) accessed the patio through some bushes.”

## **18 May, 2020 – Theft Under \$5000**

GO# VI 2020-900646

Theft of BBQ and propane tank.



### **1 September, 2020 – Theft Under \$5000**

GO# VI 2020-901159

Two motorcycle helmets stolen during daylight hours.

### **5 July, 2018 – Break & Enter**

GO# VI 2018-28812

“at 0206 hours..... two people, a male and female, had just broke into 520 Dunedin St. through the front door.”

### **6 September, 2017 – Unwanted Guest**

GO# VI 2017-36602

“a female was camped outside of her building and appeared high on drugs.”

### **18 May, 2017 – Break & Enter**

GO# VI 2017-8640

“someone had been into her car”

“a silver bike is removed from the group of bikes by the male and walked out of the camera view.”

### **31 January, 2017 - Theft Under \$5000**

GO# VI 2017-3889

“unknown person(s) entered her vehicle and stole a Parking KeyFob”

**Gayle Chong**

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**From:** [REDACTED]  
**Sent:** October-29-20 12:05 PM  
**To:** 'Gayle Chong'  
**Subject:** FW: FENCE

**From:** Sandra Radford <[REDACTED]>  
**Sent:** October-28-20 7:35 PM  
**To:** [REDACTED] >  
**Subject:** FENCE

Hello Strata 2720,

At the 2019 strata AGM I mentioned an incident that occurred a few months before the AGM, during the day, on the third floor of Hampton Court. Although I did not alert anyone at the time of the incident, and the police were not notified, I believe it is relevant to our request for a height variance for the proposed fence around the front yard of Hampton Court.

A man appeared in the west stairwell entrance to the third floor hall, and banged on the door. There had been workmen in the building, working on one of the units. I assumed that he had inadvertently been locked out, and I opened the door. I realised I was mistaken. He was dressed all in black, and wore fingerless gloves. He was unshaven and his face and eyes were red. He went to the door of my neighbour next to the stairwell and started pounding on the door and calling out a name. He seemed angry and desperate. Several times I asked him if he lived in the building. He approached me and told me to back off and walk away. He was menacing, and I felt threatened, so I walked away.

The lack of an adequate fence around the front of Hampton Court contributes to making it too easy for people who do not live in our building, or have no legitimate reason to be in our building, to gain access. I do not feel safe or secure, and have had installed another security measure to the lock on my door. But far better to prevent unauthorized access to our building in the first place. We need to deter people who find it far too easy to gain entrance with unlawful intent. A complete six foot fence around our building is needed to help prevent property crime, and allow us to feel safe in our homes.

Sandra Radford  
Hampton Court #304

Sent from [Mail](#) for Windows 10

10/29/20

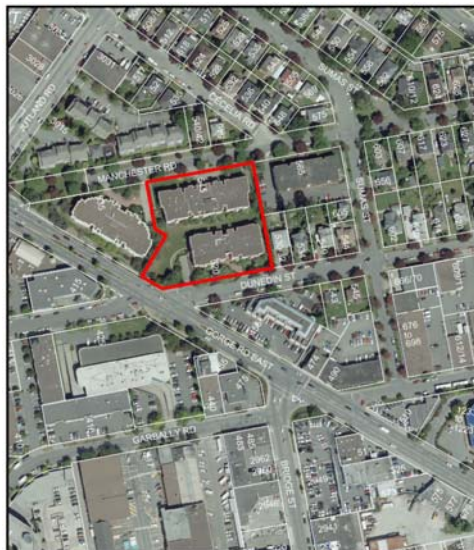


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Development Variance Permit  
Application No. 00256  
for  
545 Manchester Road  
and  
520 Dunedin Street



1



2

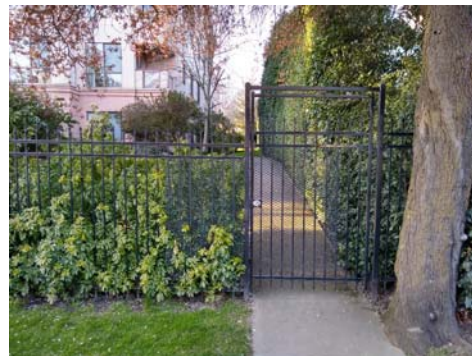




Subject Property



3



Existing fence and gate along the Dunedin frontage

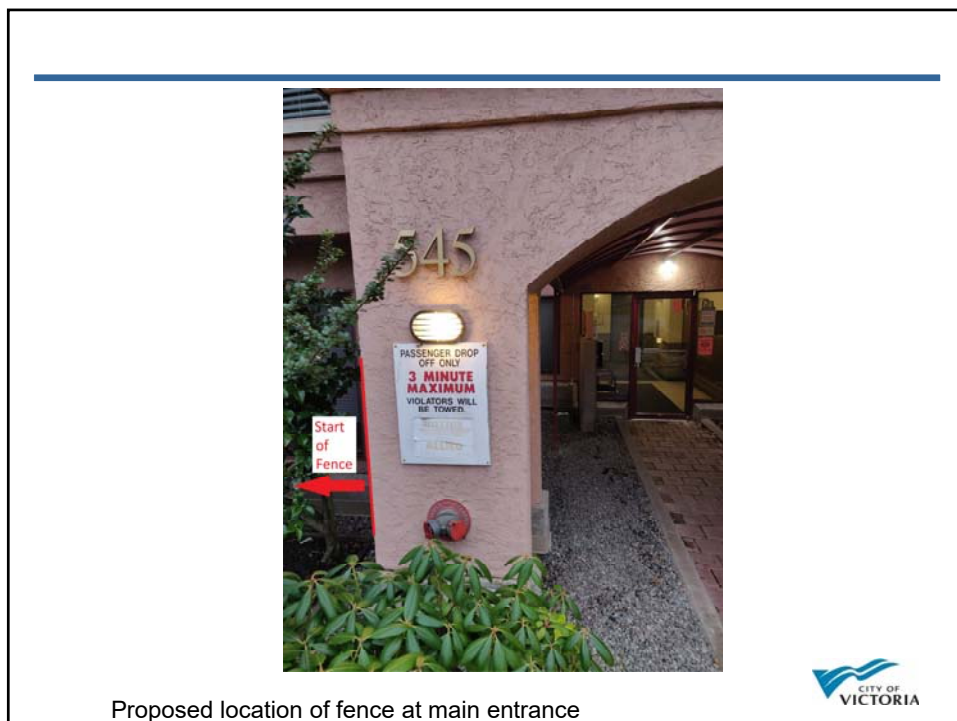


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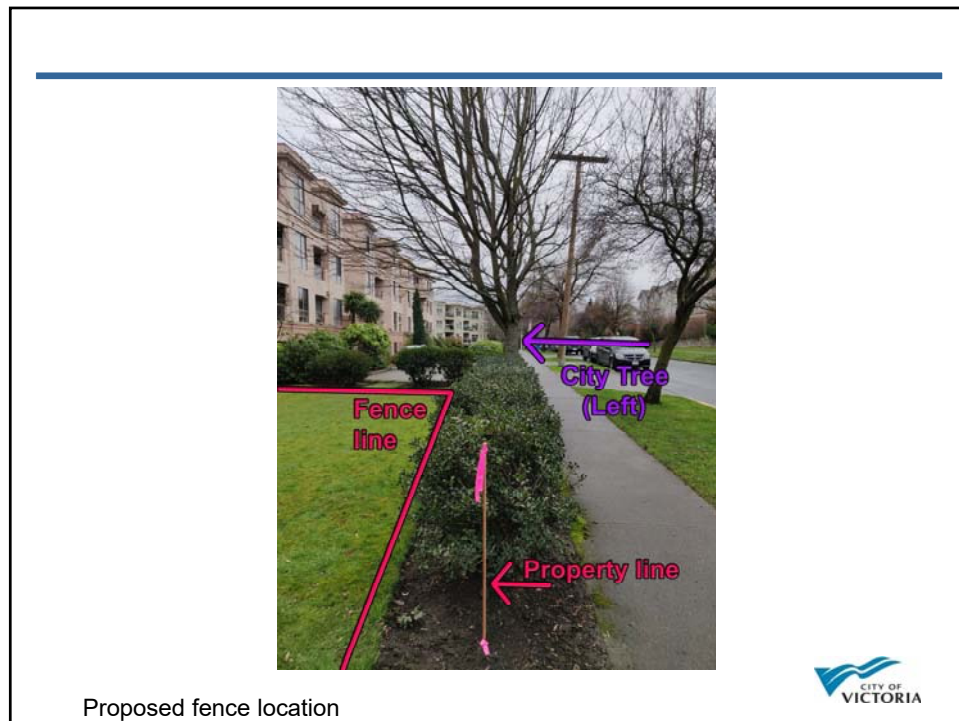


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6



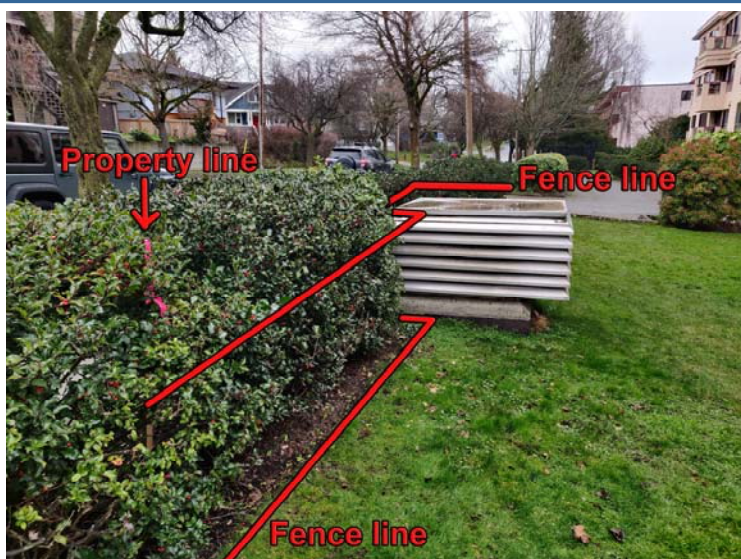


7



8





Proposed fence location



9



Proposed fencing around main entrance



10





Proposed fence and gate



11



Streetscape



12



