

DISTRICT OF SAANICH

Report To: MAYOR AND COUNCIL
Date: AUGUST 27, 2009
From: RUSS FUOCO, DIRECTOR OF PLANNING
Subject: DEVELOPMENT VARIANCE PERMIT APPLICATION
 FILE: DVP00280

Project Details

Project Proposal: To vary the permitted height for a front yard fence from 1.5 m to 2.36 m.

Address: 4540 Blenkinsop Road

Legal Description: That part of Lot 1, Section 7, Lake District, Plan 11724 lying to the east of a straight boundary joining points on the northerly and southerly boundaries of said lot distant 273.86 feet and 314.25 feet respectively from the north easterly and south easterly corners of said lot.

Owner: Charity, Donald E.

Applicant: Charity, Donald E.

Application Received: July 20, 2009

Parcel Size: 4,615 m²

Existing Use of Parcel: Rural Residential

Existing Use of Adjacent Parcels:
 North: Rural Residential - ALR (A-1)
 South: Rural Residential and Agriculture - ALR (A-1)
 East: Rural Residential and Agriculture (A-1)
 West: Rural Residential and Agriculture - ALR (A-2)

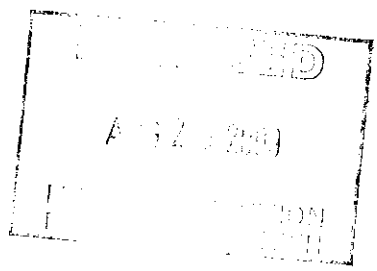
Current Zoning: A-1 (Rural Zone)

Minimum Lot Size: 2 ha

Proposed Zoning: No change

Proposed Minimum Lot Size: N/A

Local Area Plan: Blenkinsop



LAP Designation: Rural/Agricultural Land Reserve

Community Assn Referral: Blenkinsop Valley Community Association – July 27, 2009

Planning Policy

Zoning Bylaw s.6.2 (f)(i) requires that no fence constructed between the minimum setback distance required for the principal building on a lot and any lot line abutting a street, shall exceed a height of 1.5 m. There are no applicable Official Community Plan policies.

Proposal

The applicant requests a variance to Zoning Bylaw s.6.2(f)(i) in order to complete the construction of a front yard fence that exceeds the permitted height of 1.5 m. The solid masonry fence, located along the property frontage, ranges in height from 1.52 m to 1.73 m. The columns range in height from 2.18 m to 2.26 m. To finish the fence the applicant proposes to add 10 cm high clay tile caps to the columns and 30 cm high wrought iron pickets between the columns. The finished fence would have a height of 2.36 m at its highest point. Landscaping is proposed in front of the fence to soften the appearance.



Artist rendering of fence once completed, with future home in the background

Comments & Analysis

Background

The applicant is the owner of two adjacent residential lots in the Blenkinsop Valley at 4540 and 4550 Blenkinsop Road. In August 2008, he began construction of a new fence on the most southerly lot. Subsequently, Bylaw Enforcement issued a stop work order based on a citizen complaint that the fence height exceeded the maximum 1.5 m permitted by the Zoning Bylaw.

The applicant applied to the Board of Variance for relief but the application was denied in November, 2008 on the basis that no hardship existed.

Context

The 4,615 m² parcel is located within the Agricultural Land Reserve on the west side of Blenkinsop Road just north of Pearce Crescent. It contains a single family dwelling. Surrounding land use is mostly rural residential and agriculture.

Land use throughout the Blenkinsop Valley is a mixture of single family dwellings, small and large farms, rural estates, institutional and commercial uses. The area is generally viewed as attractive for its large lots, open space, privacy and rural ambience.

Regulation and Enforcement

While owners are expected to be aware of, and comply with, applicable Zoning Bylaw regulations, no building permit is required to construct a fence and enforcement for non-compliance is ad hoc based on citizen complaints. The form and character of fences on residential properties cannot be regulated by a Development Permit.

A variety of fence heights and styles exist throughout rural and urban Saanich. The lack of regulatory control through permitting and enforcement on citizen complaint only, has resulted in many fences that are over height.

Aesthetics and Safety

Fences come in all shapes and sizes and are constructed for a variety of reasons. Some owners perceive that a high fence will provide privacy and reduce the opportunity for intruders and property related crime. The primary purposes, however, for regulating fence height, particularly in a front yard, relate to the attractiveness of the streetscape and to safety for street users. High fences if located close to the street can obstruct views for drivers and pedestrians and create potential conflicts, particularly at driveways. Lower fences may also help to encourage social interaction and address crime prevention through "eyes on the street".

In the case of 4540 Blenkinsop Road, the architecturally designed fence is well-built and the addition of the clay tile caps, wrought iron top features, and boulevard landscaping would add to the appearance. It is located on the property line about 4.0 m back from the sidewalk, and curves back at the driveway. This design ensures that sight lines are not obstructed. The wrought iron pickets at the top and the wide driveway opening will provide visual permeability into and out of the site while maintaining privacy for the owners.

Neighbourhood Consultation

The applicant advises that he has canvassed neighbours and other Blenkinsop Valley residents. A petition containing twenty names in support of the project was submitted with the application.

The Blenkinsop Valley Community Association directors do not support the proposal. They expressed concern that a fence of such a height is out of character with the rest of the neighbourhood. Approval could set a precedent for similar actions by others.

Summary

The applicant requests a variance to Zoning Bylaw s.6.2(f)(i) in order to complete the construction of a front yard fence that exceeds the permitted height of 1.5 m. The architecturally designed fence is well-built and the addition of the clay tile caps, wrought iron features, and landscaping would add to the appearance.

While high fences may have the potential to impact on the rural character and the streetscape, in this case, the height variance can be supported because the fence is designed to maintain visual permeability and sight lines at the driveway entrance while providing privacy and a feeling of security for the property owners.

RECOMMENDATION:

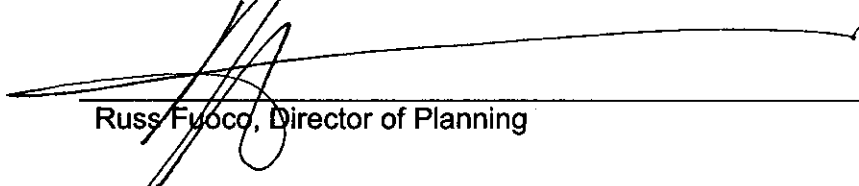
That Development Variance Permit DVP00280 be approved.

Report prepared by:



Neil Findlow, Supervisor of Local Area Planning

Report reviewed by:



Russ Fuoco, Director of Planning

NDF/sp

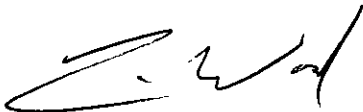
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Attachment

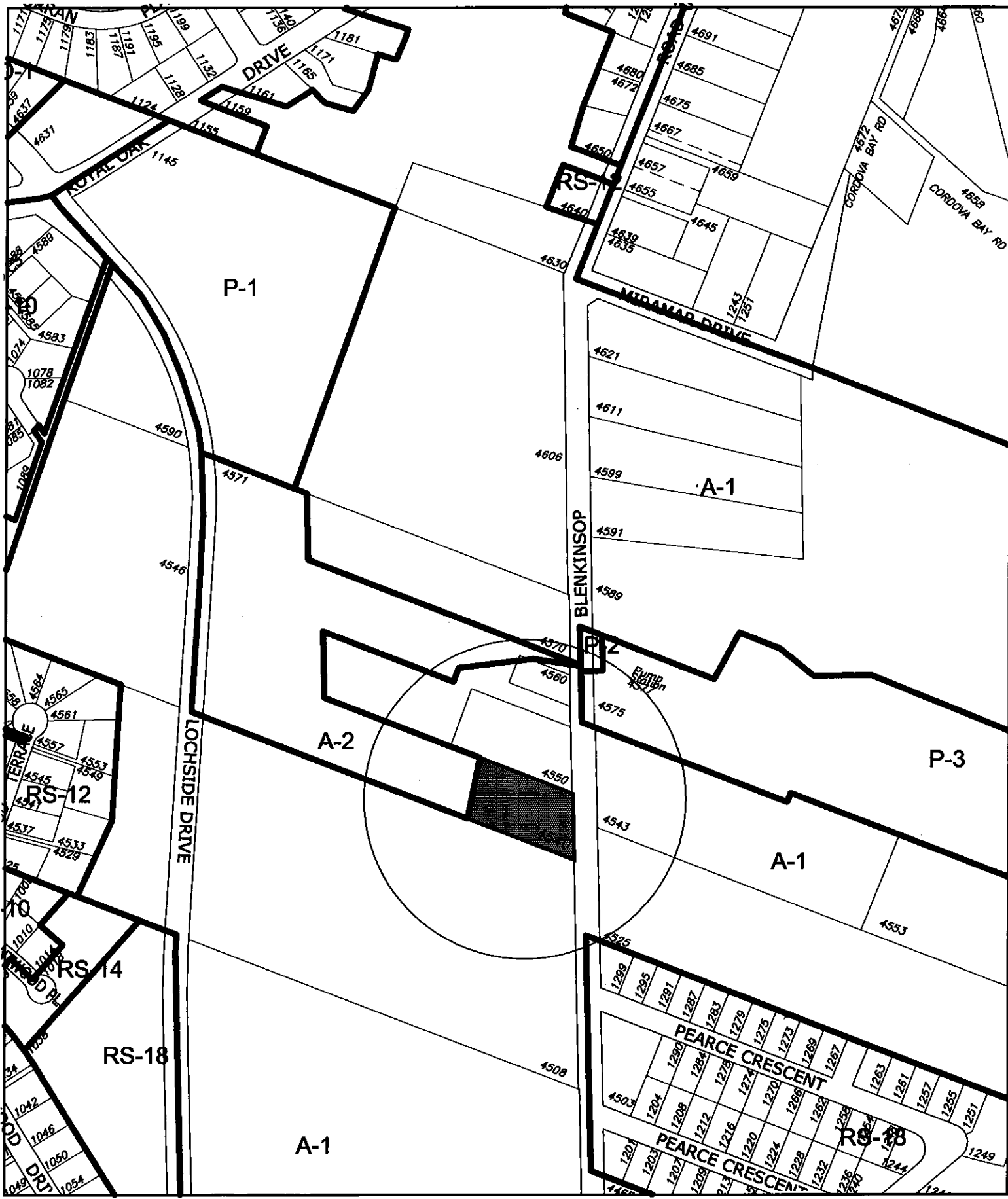
cc: T. Wood, Municipal Administrator
N. Jablanczy, Manager, Inspection Services

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning.



Tim Wood, Municipal Administrator



District of Saanich
 Planning Department
 Date: JULY 24, 2009