



COUNCIL REPORT

To: Paul Gipps, CAO

Date: May 11, 2021

From: Hailey Rilkoff, Planner II

File No: DVP 21-09

Subject: **DVP 21-09; Development Variance Permit; 2497 & 2501 Tallus Heights Drive**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-09) for Lot 5, DL 3793, ODYD, Plan EPP83661 & Lot 6, DL 3793, ODYD, Plan EPP83661 (2497 & 2501 Tallus Heights Drive) in general accordance with the attached permit to vary Zoning Bylaw No. 0154 as follows:

- Section 3.10.1(a) to permit a fence containing corrugated metal panels in a Residential Zone; and
- Section 3.12.4(a) to increase the maximum height for a fence located on top of a retaining wall from 1.22 m required to 2.0 m proposed.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - Quality, innovative urban development (Council's 2020 - 2022 Strategic Priorities).

BACKGROUND

The applicant has applied for a Development Variance Permit (Attachment 1) for two side-by-side properties to increase the height of two fences located on top of retaining walls along the interior side property lines as well as to permit corrugated metal to be used for the fences. The properties are developed with single detached dwellings and swimming pools.

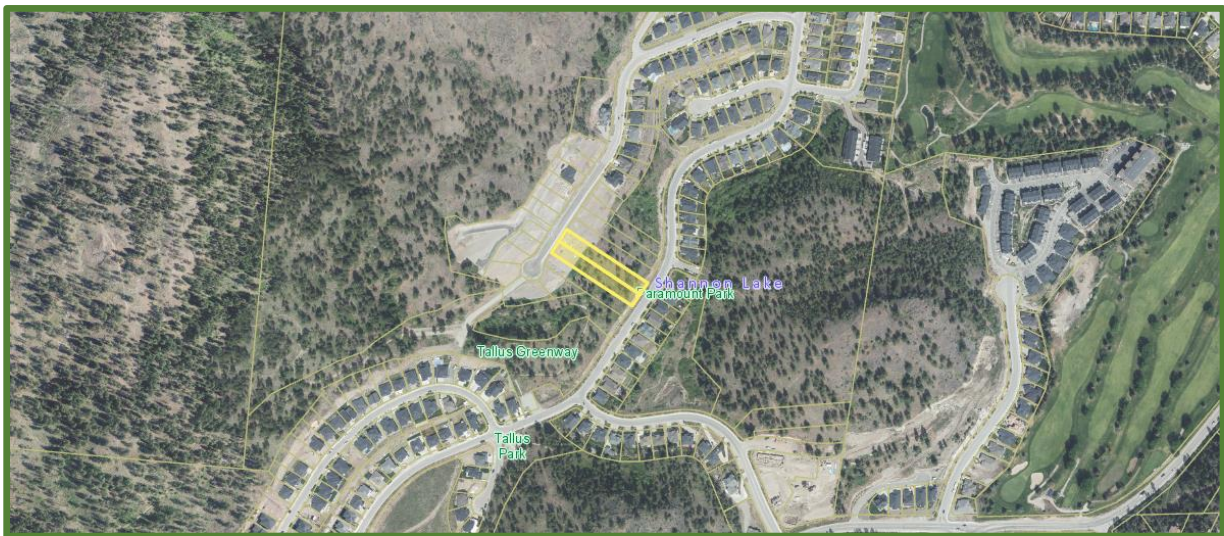
PROPERTY DETAILS			
Address	2497 Talus Heights Drive		
PID	030-666-716		
Folio	36414916.225		
Lot Size	.561 Acres (2,270.29 m2)		
Owner	Bradley & Donna Elenko	Agent	Brad Elenko

Address	2501 Talus Heights Drive		
PID	030-666-724		
Folio	36414916.226		
Lot Size	.558 Acres (2,258.15 m ²)		
Owner	Rodney & Kerry Slater	Agent	Brad Elenko
Current Zoning	RC3 – Single Detached Compact Residential; P1 – Parks and Open Space	Proposed Zoning	-
Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Residential	Proposed Use	-
Development Permit Areas	Hillside, Sensitive Terrestrial, Wildfire Interface		
Hazards	N/A		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	RC3 – Single Detached Compact Residential Zone
East	>	P1 – Parks & Open Space Zone; RC3 – Single Detached Compact Residential Zone
West	<	RC3 – Single Detached Compact Residential Zone
South	v	P1 – Parks & Open Space Zone; RC3 – Single Detached Compact Residential Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



Proposal

The applicant is proposing to construct privacy fences along the interior side property boundaries of both 2497 and 2501 Tallus Heights Drive (Lots 5 & 6) in order to provide privacy for the swimming pools in the backyard. The proposed fence materials will include either vertical or horizontal corrugated metal and will each be 2.0 m in height.



Figure 1 - Concept Image of Proposed Corrugated Metal Fence Design

The proposed fence design would be similar to the concept image provided (*Figure 1*). The proposed fence design would include heavy cedar posts with black metal caps, and horizontal cedar boards on the top and bottom of the corrugated metal panels. Each metal panel will consist of two sheets painted black or grey.

Two of the proposed fences will be located on top of retaining walls, while the third fence shared by both property owners will be off set from the shared retaining wall (*Figure 2*).

Applicant's Rationale

The applicant has provided a detailed proposal summary and rationale letter outlining their requested variances. The applicant believes the proposed fence materials (cedar with corrugated metal) will be attractive, durable and low maintenance.

In relation to the variance for fence height on top of a retaining wall, the applicant addresses the need for privacy in their backyard swimming pools. In addition, the applicant believes that the 2.0 m high fence on top of the 0.6 m high retaining wall between 2493 and 2497 Tallus Heights Drive would only create a potential negative impact for the lower property (Lot 5), who is the property owner requesting the variance. The applicant acknowledges that potential negative impacts from the fence proposed between 2501 and 2505 Tallus Heights Drive could affect the lower property (Lot 7), however has indicated that these owners are not opposed to the increased height.

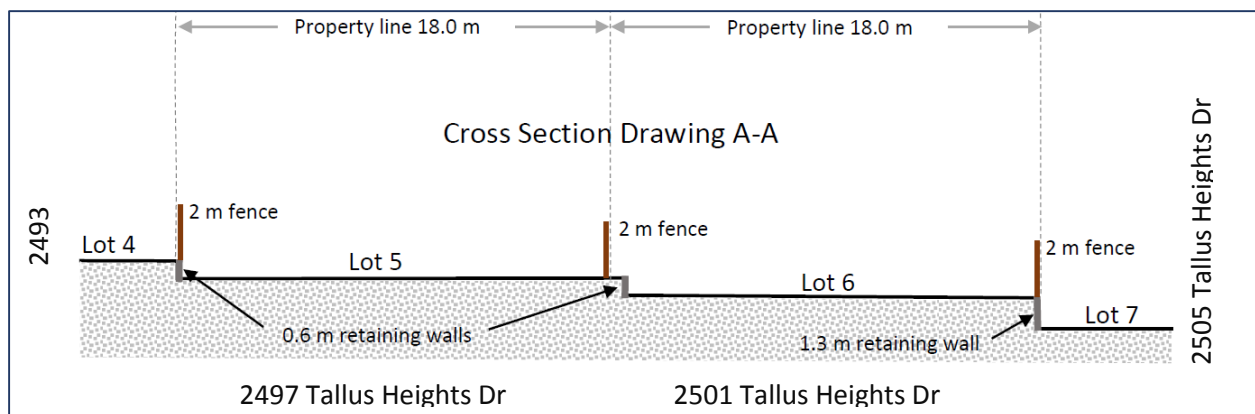


Figure 2 - Cross Section - Proposed Fence Heights

The applicant has indicated they've spoken with the adjacent property owners regarding the proposed variances (2493 and 2505 Tallus Heights Drive) and that they have no issues with the proposed variances.

Policy & Bylaw Review

Zoning Bylaw No. 0154

Section 3.10 of the City's Zoning Bylaw regulates fences. Section 3.10.1(a) prohibits fences in residential zones from containing a number of materials including sheet and corrugated metal. Section 3.10 also regulates fence height in residential zones to be a maximum of 1.22 m when sited to the front of a parcel and 2.0 m when sited to the rear or interior side of a parcel.

Section 3.12 of the City's Zoning Bylaw regulates retaining walls. Section 3.12.4(a) restricts the height of a fence located on top of a retaining wall to a maximum of 1.22 m.

Table 1 Zoning Bylaw Review

	Zoning Bylaw 0154	Proposal
Fence Regulations		
Prohibited Materials	Barbed Wire, Razor Wire, Electrified Wire, Tarps,	Corrugated Metal (variance)

	Sheet Metal, Corrugated Metal	
Maximum Height (Interior Side)	2.0 m	2.0 m
Retaining Wall Regulations		
Maximum Height	2.5 m	0.6 m and 1.3 m (existing)
Fence Located on Top of Retaining Wall Maximum Height	1.22 m	2.0 m (variance)

Legislative Requirements

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

Public Notification

In accordance with the *Local Government Act*, 49 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 3*) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

DISCUSSION

Fence materials such as razor or electrified wire and sheet or corrugated metal are prohibited in residential zones. These prohibited materials if installed improperly or in areas that could be accessed by the public could pose hazards that may cause injury to people or pets falling or running into them, or accidentally touching them. These materials for fencing are more typical in industrial areas which may require increased security. From an aesthetic perspective, corrugated metal fencing can rust if not properly painted, coated or maintained and is susceptible to damage and denting, particularly when installed in along roadways, driveways and parking areas.

Corrugated metal as a material can have a longer life span than wood and the use of the wood and metal design appears to have greater interest in residential areas as the materials and design preferences evolve. The location of the proposed fence materials along the interior side property lines in the rear yard are less susceptible to denting and damage, versus a location within the front yard. The applicant has indicated they would work together with the neighbouring property owners (2493 & 2505 Tallus Heights Dr)

and utilize traditional wood fence panels facing their properties if corrugated metal was not their preference.

The restriction on height for fences constructed on top of retaining walls is in place in order to minimize the potential negative impacts of a maximum height retaining wall (2.5 m) with a maximum height fence (2.0 m) which would result in a 4.5 m vertical face on the lower side of the retaining wall and fence. As the tallest retaining wall constructed on these properties is 1.3 m respectively, the overall height of the vertical face on the lowest property (2505 Tallus Heights Dr) would be 3.3 m. This is less impactful than what would be permitted by the Zoning Bylaw with a 2.5 m high retaining wall and a 1.2 m high fence (3.7 m).

CONCLUSION

It is recommended that Council approve the proposed variance application DVP 21-09 to increase the maximum height to construct two fences on top of retaining walls and to permit corrugated metal to be used as a fence material. The fences proposed will be located along the interior side parcel boundaries and the applicant has spoken with the neighbouring properties on either side who do not have concerns with either the height or materials proposed. As the fences are internal to the properties and would only be seen by these immediate neighbours, the proposed variances are not anticipated to result in significant negative impact on the neighbourhood.

Alternate Motion:

THAT Council deny the issuance of a Development Variance Permit (DVP 21-09) for Lot 5, DL 3793, ODYD, Plan EPP83661 & Lot 6, DL 3793, ODYD, Plan EPP83661 (2497 & 2501 Tallus Heights Drive).

Should Council deny the requested variance, the file will be closed. The fences to be constructed would be required to meet the Zoning Bylaw regulations for materials and height. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DVP 21-09
 - A. Site Plan and Cross Sections
 - B. Fence Design
2. Applicant's Proposal Summary
3. GIS Notification Map