



# Staff Report to Council

---

**DATE: Monday, January 16, 2023**

**DEPARTMENT: Planning**

**APPLICATION NO.: DVP22-0014**

**SUBJECT: Application To Vary the Fence Height at 2788, 2792 Winster Road and 674 Atkins Avenue (RCMP Properties)**

---

## **BACKGROUND:**

Section 3.21.03 of Zoning Bylaw No. 300 regulates fences within the City of Langford. This zoning regulation augments requirements for fencing and landscaping found in the Design Guidelines for intensive residential, multi-family residential and commercial Development Permit area. Sec. 3.21.03(3) stipulates that fences adjacent to a public road (“abutting a highway within the required setback from a front lot line in all zones”) shall not exceed a height of 1.2m (3.9ft). This was included in the fence height regulation to try to eliminate the canyon-like effect that can occur when high solid-type fencing is installed along roadways.

In May of 2020, the City acquired the property at 2792 Winster Road for the expansion of RCMP services. The City acquired the property at 2788 Winster Road In April of 2022 and acquired the property at 674 Atkins Avenue in October 2022 for similar reasons.

The property at 2792 Winster Road was cleared and levelled for off-street parking in 2021, and the property at 2788 Winster Road was similarly cleared and levelled for off-street parking in 2022. Sometime in October or November of 2022 a chain link fencing (approximately 8 ft high) was installed, on behalf of the City (as property owner) by the RCMP along the Winster Road frontage of these lots as a security measure for the RCMP.

**COMMENTARY:**

**Map 1: 2788 and 2792 Winster Road**



Sec. 488 of the *Local Government Act* excludes institutional development, such as schools, hospitals, and emergency services from Development Permit designation. As such, the alteration of the two properties on Winster Road with the installation of fencing was able to proceed without need of a Development Permit.

Although this fence is not subject to a form and character development permit, it would require a variance from the requirements of Sec. 3.21.03 of the zoning bylaw, and the City has already received complaints about the fact that this fence does not comply with zoning.

It may be possible to soften the visual impact of this fence by planting either climbing vines or columnar hedging along the fence line. This could be a condition of the Development Variance Permit, if doing so would not compromise the RCMP's use of the property.

Similar situations may arise in the future with schools and daycares, where fence heights may be dictated by safety standards or Provincial regulations. Council may wish to consider directing staff to bring back to Council a bylaw to amend Part 3 of Zoning Bylaw No. 300 to exclude emergency services (RCMP, Fire, Ambulance), schools and daycares from the fence height requirements of Sec. 3.21.03.

**Figure 1: New Chain Link Fencing**



**FINANCIAL IMPLICATIONS:**

If Council does not wish to allow the RCMP fencing to remain, the City would absorb the cost of removing/replacing the fence and possibly future costs relating to diminished security of this property.

**LEGAL IMPLICATIONS:**

None.

**OPTIONS:**

**Option 1**

That Council direct staff to provide public notification that Council will consider issuing a Development Variance Permit for the property at 2788/2792 Winster Road and 674 Atkins Avenue to vary Sec. 3.21.03(3) of Zoning Bylaw No. 300 by increasing the maximum permitted height of a fence abutting a highway from 1.2m (3.9 ft) to 3.5 m (11.5 ft) subject to the following conditions:

- a) That the City direct the Parks Department to look for ways to soften the visual impact of the fencing by installing some form of landscaping on the road side of this fence.

**OR Option 2**

- 1) That Council direct staff to provide public notification that Council will consider issuing a Development Variance Permit for the property at 2788/2792 Winster Road and 674 Atkins Avenue to vary Sec. 3.21.03(3) of Zoning Bylaw No. 300 by increasing the maximum permitted height of a fence abutting a highway from 1.2m (3.9 ft) to 3.5 m (11.5 ft) subject to the following conditions:

- a) That the City direct the Parks Department to look for ways to soften the visual impact of the fencing by installing some form of landscaping on the road side of this fence.

AND

- 2) That Council direct staff to bring forward a bylaw to amend Part 3 of Zoning Bylaw No. 300 to exclude emergency services (RCMP, Fire, Ambulance), schools and daycares from the fence height requirements of Sec. 3.21.03.

**OR Option 3**

THAT Council direct staff to replace the fence at 2788/2792 Winster Road in accordance with Sec. 3.21 of Zoning Bylaw No. 300.

**SUBMITTED BY: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision**

**Concurrence:** Donna Petrie, Senior Manager of Business Development and Events

**Concurrence:** Will Ying-udomrat, Manager of Legislative Services

**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

**Concurrence:** Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

**Concurrence:** Marie Watmough, Deputy Director of Corporate Services

**Concurrence:** Braden Hutchins, Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer