

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 06, 2022  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2022.037-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. E2022.037-DVP, to formalize an overheight fence at 3076 Juniper Drive, be approved.**

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Legal: Lot 3, Plan KAP34232, District Lot 266, SDYD Folio: E-01933.570

OCP: Low Density Residential (LR) Zone: Low Density Residential Three (RS3)

Variance to increase the maximum fence height in the front setback from 1.2 metres to 1.8 metres; and

Requests: to increase the maximum fence height to the rear of a front setback from 1.8 metres to 2.1 metres.

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## Proposed Development:

This application is seeking a variance to the maximum fence height that applies to the subject property in order to formalize an over-height fence.

Specifically, it is being proposed to increase:

- the maximum fence height in the front setback from 1.2 metres to 1.8 metres, and
- the maximum fence height to the rear of a front setback from 1.8 metres to 2.1 metres.

In support of this request, the applicant has stated that:

- Our fence sits well above the street. It doesn't block any sightlines for traffic or our neighbouring homes.
- Although this area is street side, functionally this is our backyard, and our only area to keep contained.
- We have put up deer fence in any of the areas of our yard we can, but the solid higher panels are needed to block our sight to roadway.
- Many parcels in/on the hillside in Naramata have high fence panel, we don't believe it will negatively affect our area.

## Site Context:

The subject property is approximately 1207 m<sup>2</sup> in area and is situated on the east side of Juniper Drive, approximately 3.5 km north from the boundary with City of Penticton. The property is understood to contain one (1) singled detached dwelling.

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The surrounding pattern of development is generally characterised by similar residential development.

**Background:**

The current boundaries of the property were created on August 8, 1983, while available Regional District records indicate that a building permit for a single detached dwelling (1987) has previously been issued for this property.

The property is designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation. The property is currently zoned Low Density Residential Three (RS3) which allows a single detached dwelling as a permitted principle use.

This application was initiated by Bylaw Enforcement Action BCT ID 4306. The Regional District has received written complaints regarding “an over-height fence”. BC Assessment has classified the property as “Residential” (Class 01).

**Public Process:**

Adjacent residents and property owners were notified of this DVP application on August 12, 2022, and provided 15 working days to submit comments electronically or in-person to the Regional District.

As of September 2, 2022, being 15 working days from the date of notification, 1 representation has been received electronically or by submission at the Regional District office. The received representation was supportive of the requested variance.

**Analysis:**

The Zoning Bylaw’s use of a maximum height for fences erected on property boundaries is varied. While fences can often enhance properties by defining ownership, creating privacy and providing security they can also degrade livability or become a safety hazard.

In front setback areas, this can include impeding the sightlines of vehicles or creating blind corners at intersections that put pedestrians at risk or degrading the streetscape or impeding surveillance (i.e. crime prevention) by walling off a property and creating a “fortress” appearance.

Fencing may also contribute to a loss of amenity on adjacent properties through the creation of overshadowing, a visual intrusion or hazard if poorly constructed.

The maximum height of a fence in most zones is 1.8 metres and 1.2 metres in a front setback area.

In this instance, the subject property is accessed via a shared driveway that leads to a parking area on the east side of the property. This feature limits outdoor amenity space on the parcel to the area between the front parcel line and the house, and the applicants indicate this space is currently being used as a rear yard.

The proposed fence in the front setback is situated on top of a steep bank above Juniper Drive and is unlikely to affect safety by limiting vehicle sight lines or creating a blind corner. Driveways abut the proposed fence area on adjacent properties to the north and south, and therefore a loss of amenity space through overshadowing on adjacent properties is unlikely.

This application is enforcement-driven.

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**Alternatives:**

That Development Variance Permit No. E2022.037-DVP be denied.

**Respectfully submitted**

Ben Kent

Ben Kent, Planner I

**Endorsed by:**



C. Garrish, Planning Manager

- Attachments:
- No. 1 - Aerial Photo
  - No. 2 - Fence Photo
  - No. 3 - Site Photo (May 2022)
  - No. 4 - Site Photo (Google Streetview – 2012)

Attachment No. 1 – Site Photo (Google Streetview)



Attachment No. 2 – Fence Photo



Attachment No. 3 – Site Photo (May 2022)



Attachment No. 4 – Site Photo (Google Streetview - 2012)

