

# Memo

**File:** 3090-20/DV 11B 19

**DATE:** September 25, 2019

**TO:** Advisory Planning Commission  
Lazo North (Electoral Area B)

**FROM:** Planning and Development Services Branch

**RE:** Development Variance Permit Application – 1671, 1673 and 1675 Ryan Road East  
(Lenco Development Ltd., Fernco Development Ltd. and Norco Development Ltd.)  
Lot 1, District Lot 114, Comox District, Plan 2280, PID 006-412-335

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The attached development proposal is for commission members' review and comment. An application has been received to consider a Development Variance Permit (DVP) for a fence height from 2.0 metres to 3.1 metres. The subject property, located at 1671, 1673 and 1675 Ryan Road East, is approximately 3.9 hectares in area (Figures 1 and 2).

The property currently has two industrial buildings fronting onto Ryan Road. There are mini-storage buildings in the middle and rear portions of the lot. The applicant would like to install a fence on top of lock blocks along the southeastern and southern sides of the lot, and install a fence on grade along the southwestern side of the lot (Figures 3 and 4). The fence is to provide security and safety for the mini-storage uses. The applicant would like to apply for a variance to increase the maximum permitted fence height from 2.0 metres to 3.1 metres.

### Regional Growth Strategy Analysis

Bylaw No. 120, being "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" (RGS) designates the subject property within Settlement Expansion Area (SEA). The proposed fence does not conflict with any industrial or SEA policies in the RGS.

### Official Community Plan Analysis

Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014" (OCP) designates the subject property within the SEA. The proposed fence does not conflict with any industrial or SEA policies in the OCP.

### Zoning Bylaw Analysis

Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005", zones the property to Industrial Light (IL). Section 309(5) of the Zoning Bylaw states that the maximum height of fences shall not exceed 2.0 metres. As mentioned earlier, the applicant would like to have a fence of up to 3.1 metres. According to the applicant, the eastern side of the property is lower (Appendix A). In order to bring the grade up to accommodate the rainwater management system, lock blocks and fill are required to elevate the eastern side of the property by as much as 2 metres. Further, to provide site security and safety, a fence is proposed to be installed on top of the lock blocks along the

southeastern and southern lot lines (Details A to C of Figure 5). Along the southwestern lot lines, the fence is on grade (“Detail D of Figure 5). Overall, the maximum height of the fence from the lowest natural grade of the site is requested to be 3.1 metres.

The purposes of a maximum fence height regulation are to offer a balance of providing screening and privacy between neighbours while avoiding excessive shadows onto adjacent lots and maintaining the form and character of the neighbourhood.

It should be noted that as part of the comprehensive Zoning Bylaw review, the draft fence height for industrial properties is between 2.5 metres and 3.0 metres. The proposed fence height, at 3.1 metres, will be 0.1 metres higher than the draft maximum height.

Thank you for your review.

Sincerely,

***T. Trieu***

Ton Trieu, RPP, MCIP  
Manager of Planning Services  
Planning and Development Services Branch

/bc

Attachment: Appendix A – “Applicant’s Support Letter”

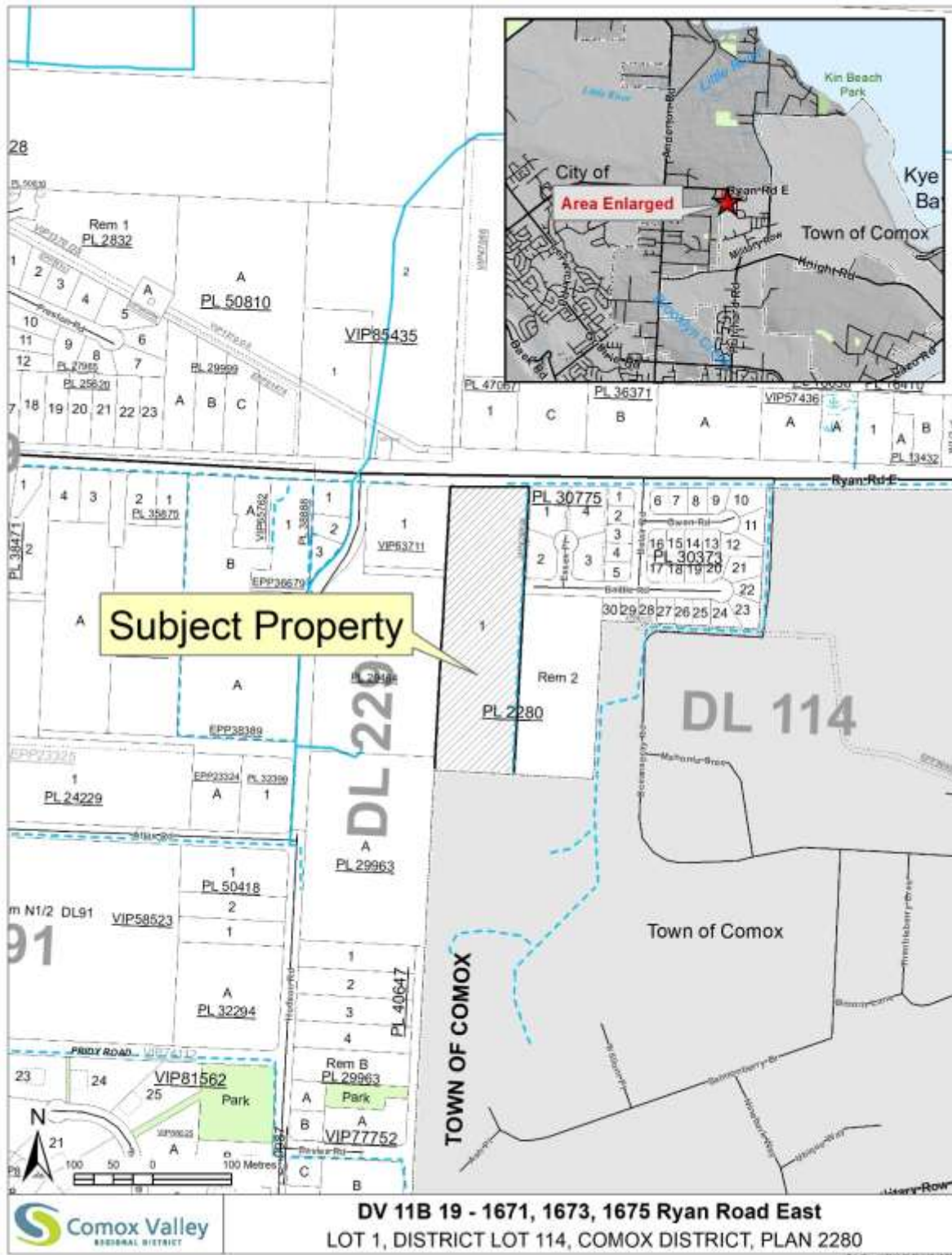


Figure 1: Subject Property Map

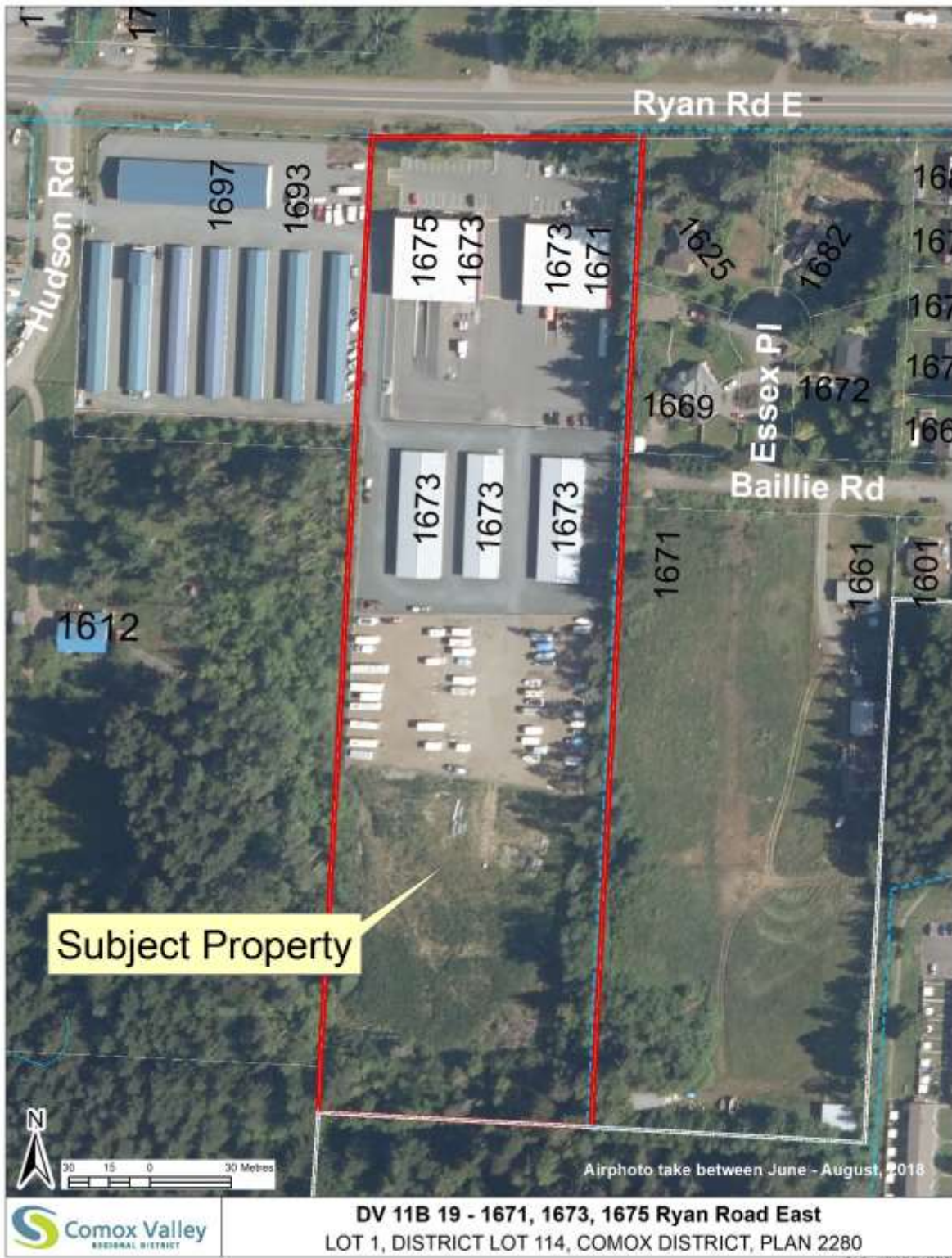


Figure 2: Air Photo

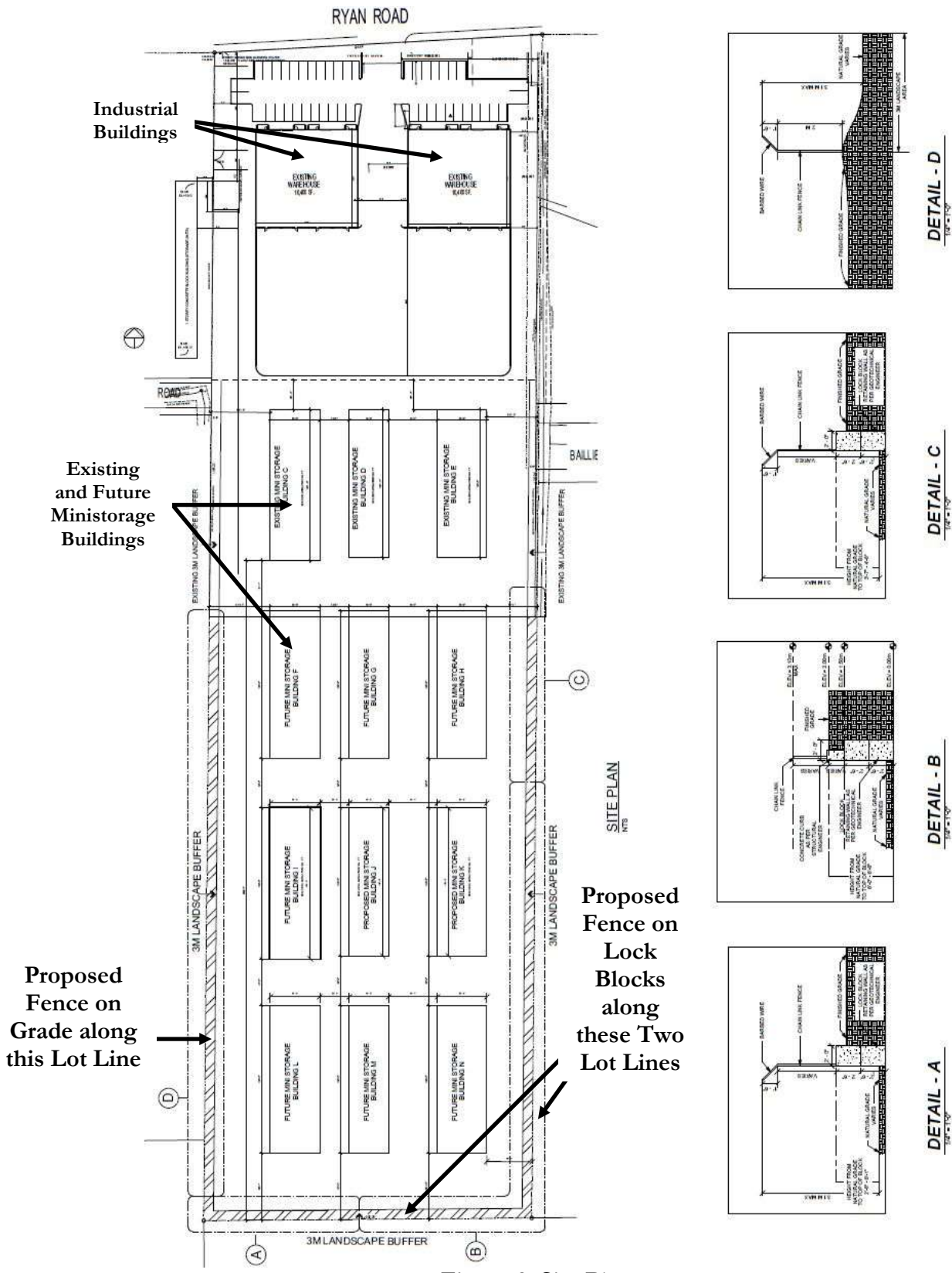


Figure 3: Site Plan

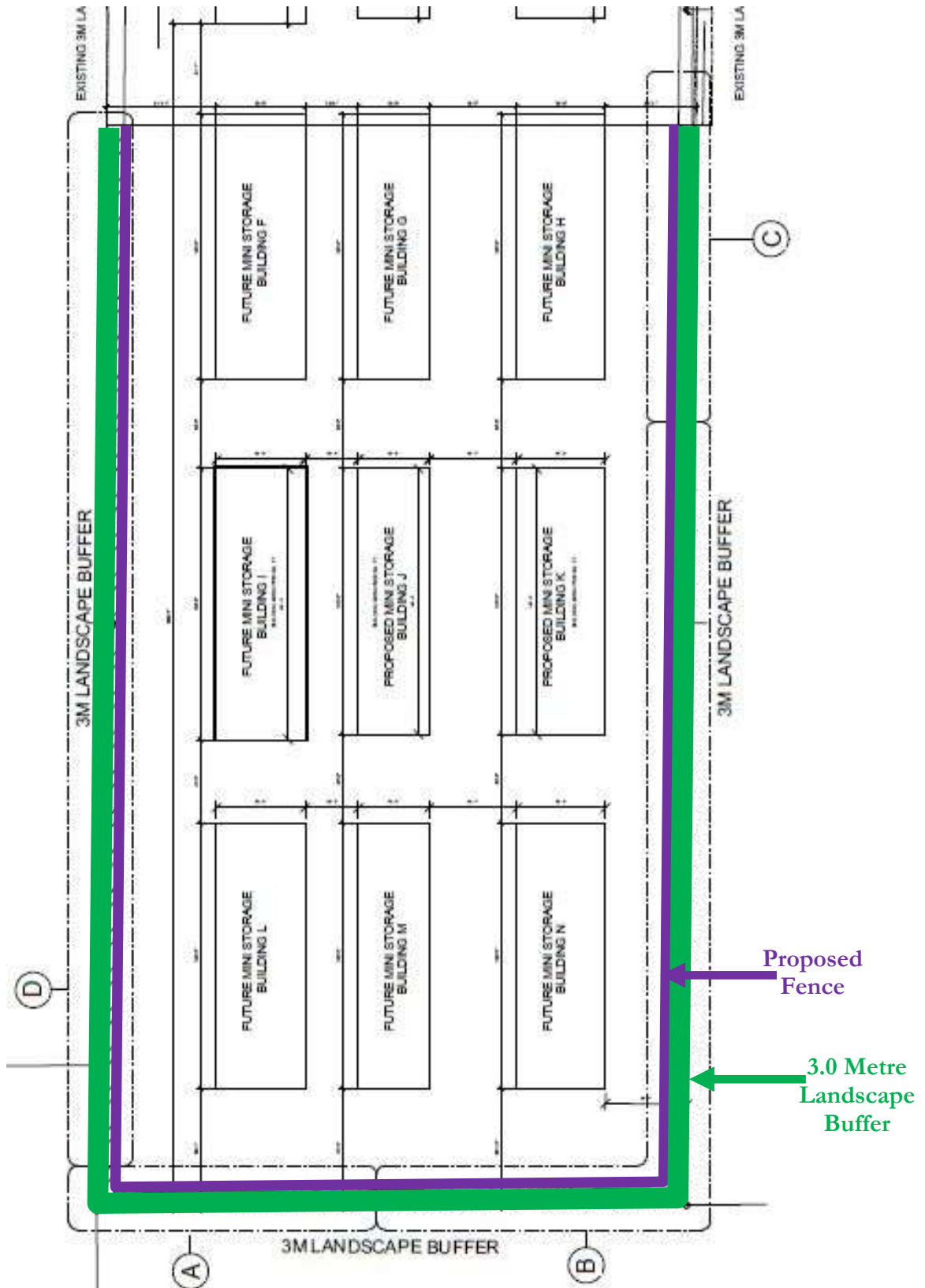
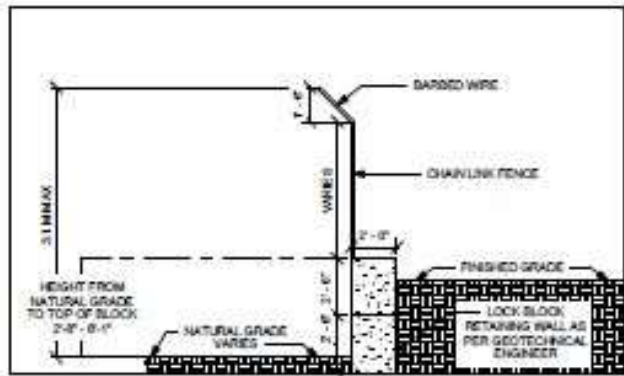
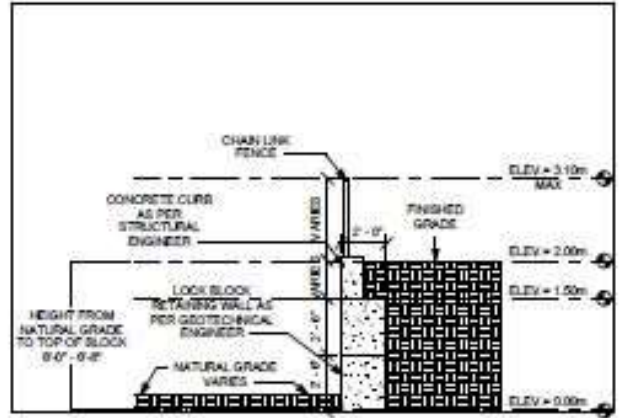


Figure 4: Site Plan Enlarged to Show Proposed Fence



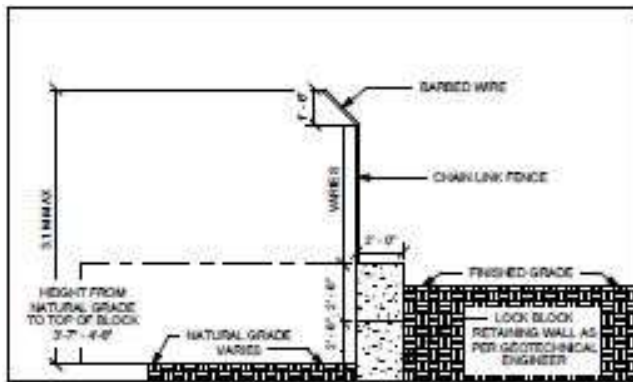
**DETAIL - A**

1/4" = 1'-0"



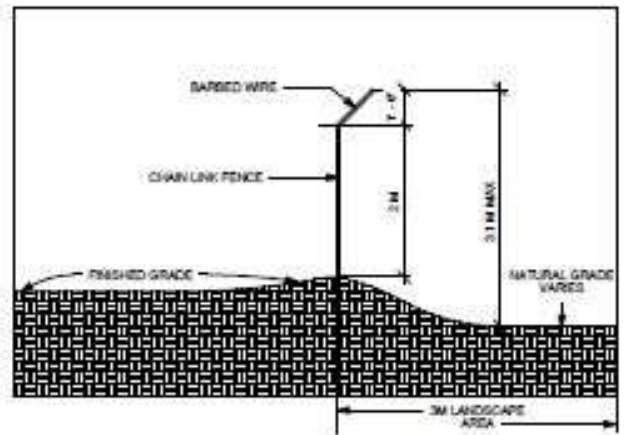
**DETAIL - B**

1/4" = 1'-0"



**DETAIL - C**

1/4" = 1'-0"



**DETAIL - D**

1/4" = 1'-0"

Figure 5: Proposed Fence Profiles Enlarged

Comox Valley Regional District

RECEIVED

File: 3090-20/DV 118 19

SEP 05 2019

To:

cc:

Noort Investments  
2399 Cienar Dr  
Nanaimo, BC V9T 3L6

August 23, 2019

To: Planning Department, CVRD

Re: Requested variance permit at 1671 Ryan Rd.

Noort Investments requests a development variance to in order to increase the height of the fence at 1671 Ryan Rd. We propose a height variance of 3.1m to ensure the safety and security of our site.

Due to the grade of the existing property and the location of the ditch, the finished grade on the east side of the property was required to be brought up to accommodate the Storm Water Management System as designed by McElhanney Engineering. The site sloped significantly lower from the west side to the east side of the property. The grade at the west side of the property was generally close to natural grade however the grade on the East side of the property was required to be raised by as much as 2m in order to create a level lot and more importantly allow for the grades of the infiltration gallery and storm water retention.

Because of the site grading plan and the height of the retaining wall at certain areas we propose a variance to accommodate installing a chain link fence on top of the retaining wall for site security and for safety considerations as we do not want the wall to be a fall hazard to our customers. The max height of the chain link fence will be 3.10M from natural grade. This height allows us a minimum 42" high fence on top of the retaining wall to act as a fall guard for customers on site; 42" is what the BC Building code requires. Although there is no retaining wall on the west side of the property we do request the variance for the side as well in order to allow for a 2m fence, plus barbed wire from the finished grade.

Please note the height variance we are requesting is measured from the lowest natural grade on site, the majority of the fencing will be below 3m in height from natural grade.

The property to the east and west of the proposed fence variances is zoned country residential one while the property to the south is the Town of Comox. The area between the fence and the neighboring property has a three meter landscape area with existing vegetation (see attached pictures) and 79 additional trees to be planted as per the landscape plan by PMG Landscape Architects.