



Staff Report to the Planning, Zoning and Affordable Housing Committee

DATE: Monday, January 31, 2022

DEPARTMENT: Planning

APPLICATION NO.: DVP21-0018

SUBJECT: Application for Development Variance Permit to allow a 1.82 m (6.0 ft) high composite solid board fence to be constructed on a lot line abutting a Highway at 2620 Mica Place.

PURPOSE:

Nancy Hughes of Children of the Island Early Learning Centre Inc. has applied for a development variance permit to increase the height of a fence abutting a highway from the allowable 1.2 m (3.9 ft.) to 1.82 m (6.0 ft) and to permit the construction of a solid board fence abutting a highway at property located at 2620 Mica Place.

BACKGROUND:

PREVIOUS APPLICATIONS

The two properties associated with the daycare site were included in the original application to rezone the lands now within the CD12 (Comprehensive Development – South Skirt Mountain) Zone (Z08-0006) and were also subject to text/map amendments to the CD12 zone (Z16-0001).

In 2020, the property was the subject of a site-specific text amendment to the zone (Z20-0024) to increase the allowable capacity of a group daycare to 225 children. A Form & Character Development Permit was issued for the development of the daycare in 2021 (DP21-0003). There have also been several Development Permits issued to allow for land clearing within the designated Environmental Protection and Hazardous Area Development Permit Areas.

The original parent parcel has been subdivided multiple times to create bulk parcels as well as final building lots.

Table 1: Site Data

<i>Applicant</i>	Nancy Hughes
<i>Owner</i>	Coti Holdings Inc.
<i>Civic Address</i>	2615 Mica Place
<i>Legal Description</i>	Lot 7, Section 115, Esquimalt District, Plan VIP87258 Except Plans EPP79954, EPP104192 And EPP106119, PID 028-057-350
<i>Size of Property</i>	5804 m2
<i>DP Areas</i>	Potential Habitat & Biodiversity, Interface Fire Hazzard and Woodland
<i>Zoning Designation</i>	Comprehensive Development – South Skirt Mountain (CD12)
<i>OCP Designation</i>	Neighborhood Centre

SITE AND SURROUNDING AREA:

Site preparation works including vegetation removal, blasting and rock removal, and retaining walls construction have occurred in accordance with the issued Development Permit. A Building Permit has been issued for the construction of the two-storey commercial building that will house the Daycare and construction is currently underway. The surrounding area is currently undergoing land alteration works in order to level lots and prepare sites for buildings.

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	Comprehensive Development – South Skirt Mountain (CD12)	Vacant, zoned for mixed use
<i>East</i>	Comprehensive Development – South Skirt Mountain (CD12)	Vacant, zoned for mixed use and the lot beyond is a site for a future elementary school
<i>South</i>	Comprehensive Development – South Skirt Mountain (CD12)	Future townhouse development
<i>West</i>	Comprehensive Development – South Skirt Mountain (CD12)	Future single family subdivision

COMMENTARY:

DEVELOPMENT PROPOSAL

The applicant has applied to increase the allowable height of a fence abutting a Highway from 1.2 m (3.9 ft) to 1.82 m (6.0ft.) and to construct it as a composite (wood tone) paneled solid board fence rather than

of a style with less than complete visual screening (i.e. wrought iron, picket etc) as required. The request is being made in order to provide security and screening for the children of the daycare. The fence would be installed along the Verti block retaining wall that surrounds the property and the playground. The Verti block retaining wall has a current height of about 7.6 m (25 ft).

The daycare facility will have a maximum capacity of 225 children all under the age of 5 years old. At that age children are naturally prone to explore and climb and a 1.82 m (6.0ft.) solid board fence would eliminate any risk or danger of falling. Strict Provincial licencing guidelines around the privacy of the children, as well as the applicant’s duty to protect the children while in their care, also restricts the use of less than solid screening around the playground area. Traffic sight lines will not be hindered by this request as the site is located at a much higher elevation than the intersection of Flint Avenue and Mica Place. The attached drawing (Appendix B) shows the location of the fence and the fence design that the applicant proposes to construct.

It should be noted that the attached landscape plan shows proposed changed to the plan approved in DP21-0087. The applicants are looking to reduce the amount of planting by 15% along the west property line as the constructed Verti block retaining wall has reduced the anticipated planting area. However, the most notable change is the removal of the planted area between the bus parking and the playground area. This area is proposed to have a screened storage area for playground equipment and a revised bus parking area with a 2m strip of landscaping along the south-east corner. This area is approximately 5-6m above the sidewalk/roadway and is not visible from Flint and Mica.

Table 3: Proposal Data

	Required per Section 3.21.03 (3) of Zoning Bylaw No. 300	Proposed by DVP Application
<i>Fence Requirement</i>	Fences abutting a highway within the required setback from a front lot line in all zones shall not exceed a height of 1.2 m (3.9 ft) and shall be constructed of wrought iron, picket or similar style providing less than complete visual screening.	1.82 m (6.0 ft.) solid board fence

OPTIONS:

Option 1

THAT the Planning, Zoning and Affordable Housing Committee recommend:

1. That Council direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 2620 Mica Place with the following variance:
 - a) That Section 3.21.03(3) of Zoning Bylaw No. 300 be varied from the requirement of a maximum 1.2m (3.9 ft) high, wrought iron, picket or similar style fence providing less than complete visual screening to allow a 1.82m (6.0 ft) high solid board fence;

Subject to the following terms and conditions:

- i) That the site is developed in accordance with the plan attached to this report as Appendix B;

OR Option 2

THAT the Planning, Zoning and Affordable Housing Committee recommend:

1. That Council reject this application for development variance permit.

SUBMITTED BY: Kory Elliott, Planning and Land Development Technician

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

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

Concurrence: Donna Petrie, Manager of Business Development and Events

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

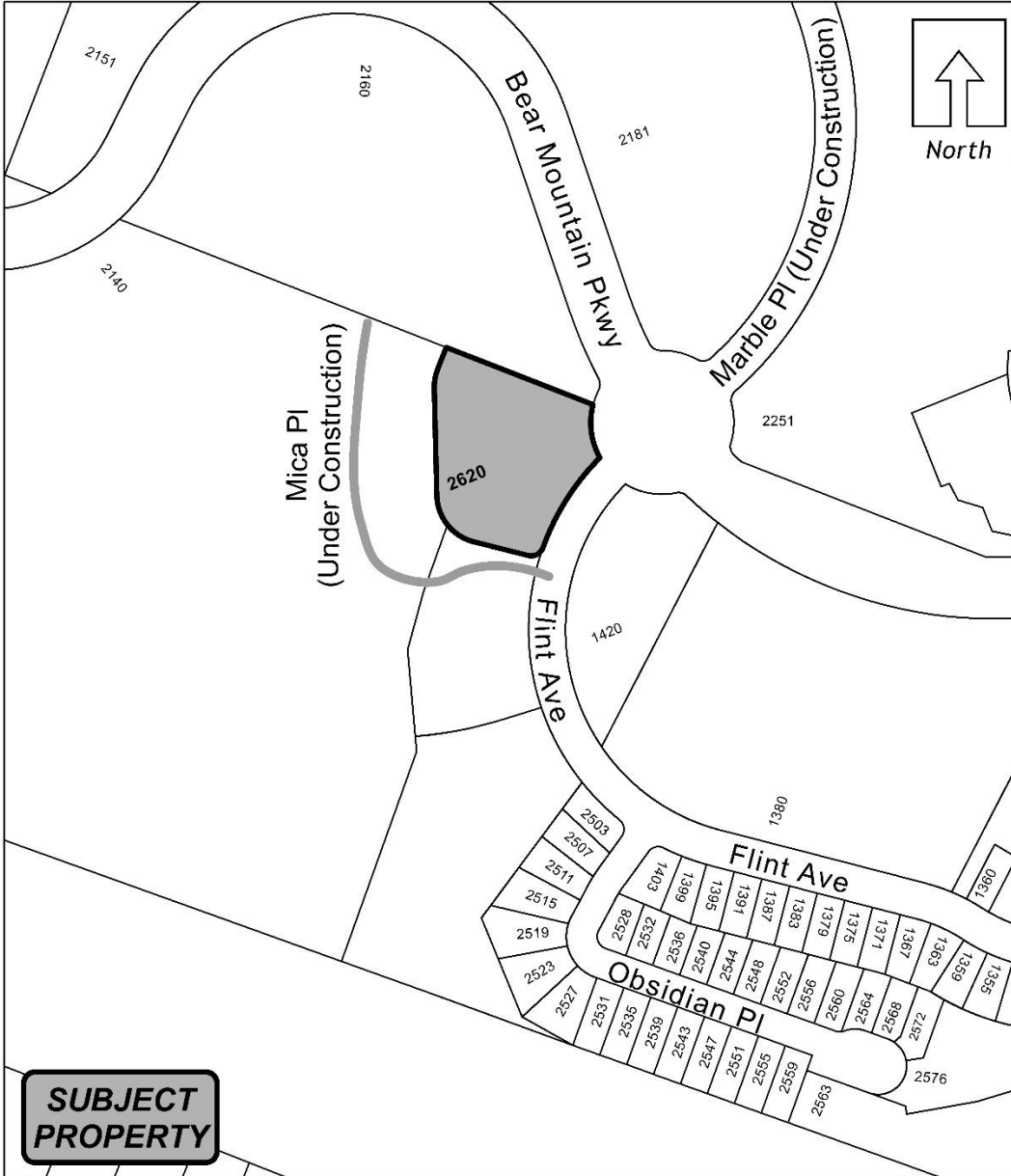
Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Acting Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

Appendix A – Subject Property

**DEVELOPMENT VARIANCE PERMIT
(DVP21-0018)
2620 Mica Pl**



Document Name: DVP21-0018_Site_Map

Scale: N.T.S.

Last Revised: 12/20/2021

Appendix B – Fence and Landscape Plan

