

**District of North Saanich
Board of Variance**

Regular Meeting

**Thursday, June 18, 2020 at 10:00 a.m.
Council Chambers
1620 Mills Road**

At this time, due to the COVID-19 Pandemic, public access to Municipal Hall is not permitted. Public that may have wished to attend will now be able to view the meeting Live using the District's new Live Streaming feature at <https://northsaanich.ca/local-government/council-committee-meetings/>

AGENDA

PAGE NO.

1. ELECTION OF CHAIR AND VICE CHAIR

2. APPROVAL OF AGENDA

3. APPLICATIONS

(a) 8900 Park Pacific Terrace

3 - 33

Location: Lot 7, Section 4, Range 1 East, North Saanich District, Plan EPP76405
Civic Address: 8900 Park Pacific Terrace
Applicant/Owner: Richard A'Hara and Lisa A'Hara

Variance: The applicant is requesting permission to vary section 502.1.4(e)(ii) of Zoning Bylaw No. 1255 within a Single Family Residential (R-1) zone in order to increase the maximum allowable height for a fence in all other areas than the front yard from 1.9 m to 2.36 m, an increase of 0.46 m.

[Report 8900 Park Pacific Terrace](#)

4. ADJOURNMENT



District of North Saanich

STAFF REPORT

To: Board of Variance

Date: June 18, 2020

From: Drew Bakken
Planner

File: BOV 2020-01

Re: Board of Variance Application for 8900 Park Pacific Terrace

PURPOSE:

The purpose of this report is to provide the Board of Variance with information and analysis regarding an application to vary the maximum allowable fence height from 1.9 m to 2.36 m in all other areas than the front yard at 8900 Park Pacific Terrace ("the subject property").

BACKGROUND:

The subject property is zoned R-1 Single Family Residential and is intended solely for the purpose of low density single family residential housing on land that is serviced by both community water and community sewer systems. The 8900 Park Pacific Terrace property is 1795.25 m² (0.44 acres in size), with the minimum lot size in the R-1 zone being 1400 m² (15,069.4 ft²). A single family dwelling is currently located on the property.

DISCUSSION:

The applicant for 8900 Park Pacific Terrace, Lisa A'Hara, had a fence built in the rear and South side yard of her property. As fences do not require a permit, the applicant had the fence constructed without contacting the municipality. However, Bylaw Services eventually received a letter from a neighboring landowner stating that the fence height was in excess of the maximum fence height in an R-1 zone. Upon investigating it was found that the fence was built to a height of 2.36 meters, which exceeded the maximum allowable height of 1.9 meters.

The applicant explains in their hardship letter that the height of their fence is necessary to protect their gardens from damage caused by deer, as well as for personal safety by reducing unexpected run-ins with wild animals. The letter states that a higher fence also prevents injury or entrapment of the deer by preventing their access to the property, and the applicant has planted cedar shrubs along the fenced area to the same effect. The letter details the costs of the fence and landscaping, as well as the additional costs that will be necessary if they are forced to lower the height of the fence. The applicant's submission includes numerous letters of support from neighbors, as well one letter of opposition has been received from the neighbors to the South.

The purpose of maximum fence heights is generally agreed to be for ensuring aesthetic consistency in a neighborhood, preventing a walled-off appearance and access issues that may be caused when properties are enclosed within tall fences. It's noted that the fence at the rear of the property is not abutting another residential property due to there being parkland behind the property. The over-height sections of the fence do abut a neighboring residential property on the South side, where the land elevation increases in a Southerly direction – according to topographical information on the District's GIS system, in the steepest areas there appears to be a rise of 2 meters over a distance of 5 meters crossing the boundary between the two properties. As mentioned in the applicant's hardship letter, the elevation difference is partly a result of stacked boulders having been placed by the neighbor on their property. As a result, a fence compliant with the bylaw would have reduced the effectiveness of keeping out wild animals if placed on the applicant's property, and in terms of built form the fence isn't unreasonably taller than the neighboring land.

This variance request doesn't defeat the intent of the bylaw nor does it appear to substantially affect the use or enjoyment of adjacent land. While the purpose of the taller fence does, in a sense, affect the natural environment by blocking access for wild animals, the applicant argues that it prevents adverse effects to those animals by avoiding entrapment or injury that may be caused by the deer jumping into the yard.

The proposal conforms to all other requirements under the Zoning Bylaw and Official Community Plan, and does not conflict with Section 542 of the *Local Government Act*.

There are two items noted on the subject property's title certificate under Parts 14 of the *Local Government Act* and Part 26 of the *Municipal Act* – these refer to a 2017 Development Variance Permit and a 1999 Development Permit which are actually applicable to 1515 McTavish Road. During the recent rezoning and subdivision of the 1515 McTavish Road property (Dunsmuir Lodge), a lot line adjustment was done for several adjacent properties in order to correct a lot line alignment. As a result, several title documents applicable to 1515 McTavish Road show up on the 8900 Park Pacific Terrace title certificate. The DVP and DP do not impact 8900 Park Pacific Terrace.

VARIANCE DETAILS:

In accordance with the plans submitted, the applicant requests the following variance:

| | Permitted | Proposed | Difference |
|---|----------------|-----------------|-----------------|
| Section 502.1.4(e)(ii) | | | |
| Maximum allowable fence height in all other areas than the front yard in an R-1 zone: | 1.9 m (6.2 ft) | 2.36 m (7.7 ft) | 0.46 m (1.5 ft) |

NOTIFICATION:

In accordance with District of North Saanich Board of Variance Bylaw No. 1387 notification letters regarding this application were sent to the owners and occupiers of the land that is subject of the application, and the owners and occupiers of the land that is adjacent to the land that is the subject of the application. Responses received to the notification can be found in Schedule G. Further responses may be presented at the June 18, 2020 Board of Variance hearing.

SUMMARY/CONCLUSION:

The applicant for 8900 Park Pacific Terrace has requested a variance to the maximum allowable height for a fence from 1.9 m to 2.36 m in all other areas than the front yard in an R-1 zone. The application is in conformance with all other OCP and land use requirements.

SAMPLE MOTIONS:

- 1) That the Board approve application BOV 2020-01 to vary Section 502.1.4(e)(ii), increasing the maximum allowable fence height in all other areas than the front yard in an R-1 zone from 1.9 m to 2.36 m at 8900 Park Pacific Terrace, as indicated on the Site Plan attached to the June 18, 2020 staff report (Schedule E) in order to accommodate a deer fence.
- 2) That the Board deny application BOV 2020-01 to vary Section 502.1.4(e)(ii), increasing the maximum allowable fence height in all other areas than the front yard in an R-1 zone from 1.9 m to 2.36 m at 8900 Park Pacific Terrace, as indicated on the Site Plan attached to the June 18, 2020 staff report (Schedule E) in order to accommodate a deer fence.

Page 3

Respectfully submitted,


Drew Bakken
Planner

Attachments:

| | |
|------------|------------------------------|
| Schedule A | Location Map |
| Schedule B | Zoning Map |
| Schedule C | Orthophoto |
| Schedule D | Applicant's Rationale Letter |
| Schedule E | Site Plan |
| Schedule F | Fence Photos |
| Schedule G | Correspondence |



LOCATION MAP

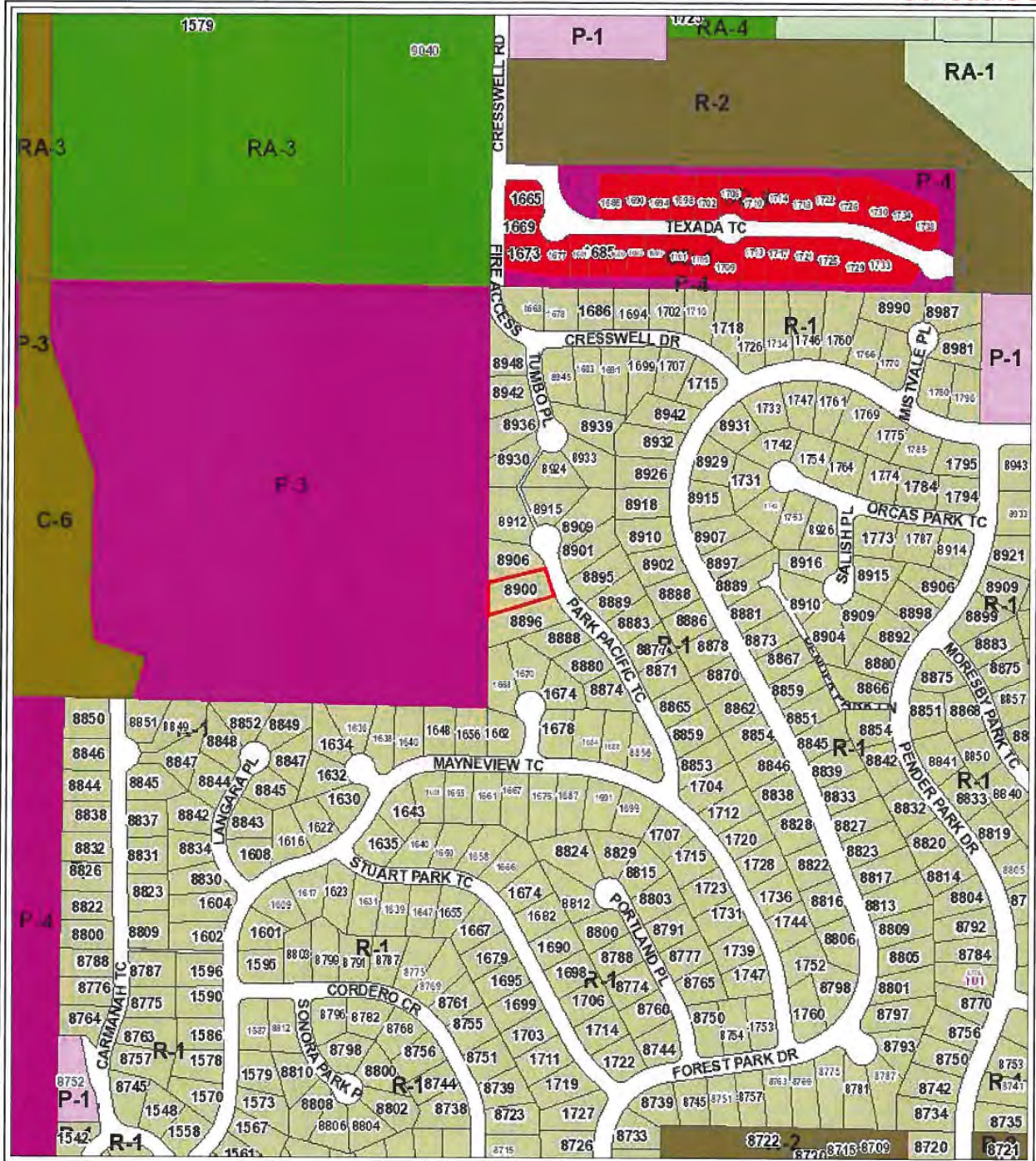
8900 Park Pacific Terrace

DATE: May 28, 2020

TYPE: BOV Application

FILE #: BOV 2020-01

SCALE: 1:5,000



ZONING MAP

8900 Park Pacific Terrace

| | |
|---------|-------------------------------|
| DATE: | May 28, 2020 |
| TYPE: | Board of Variance Application |
| FILE #: | BOV 2020-01 |
| SCALE: | 1:5,000 |

**ORTHOPHOTO**

8900 Park Pacific Terrace

DATE: June 2, 2020

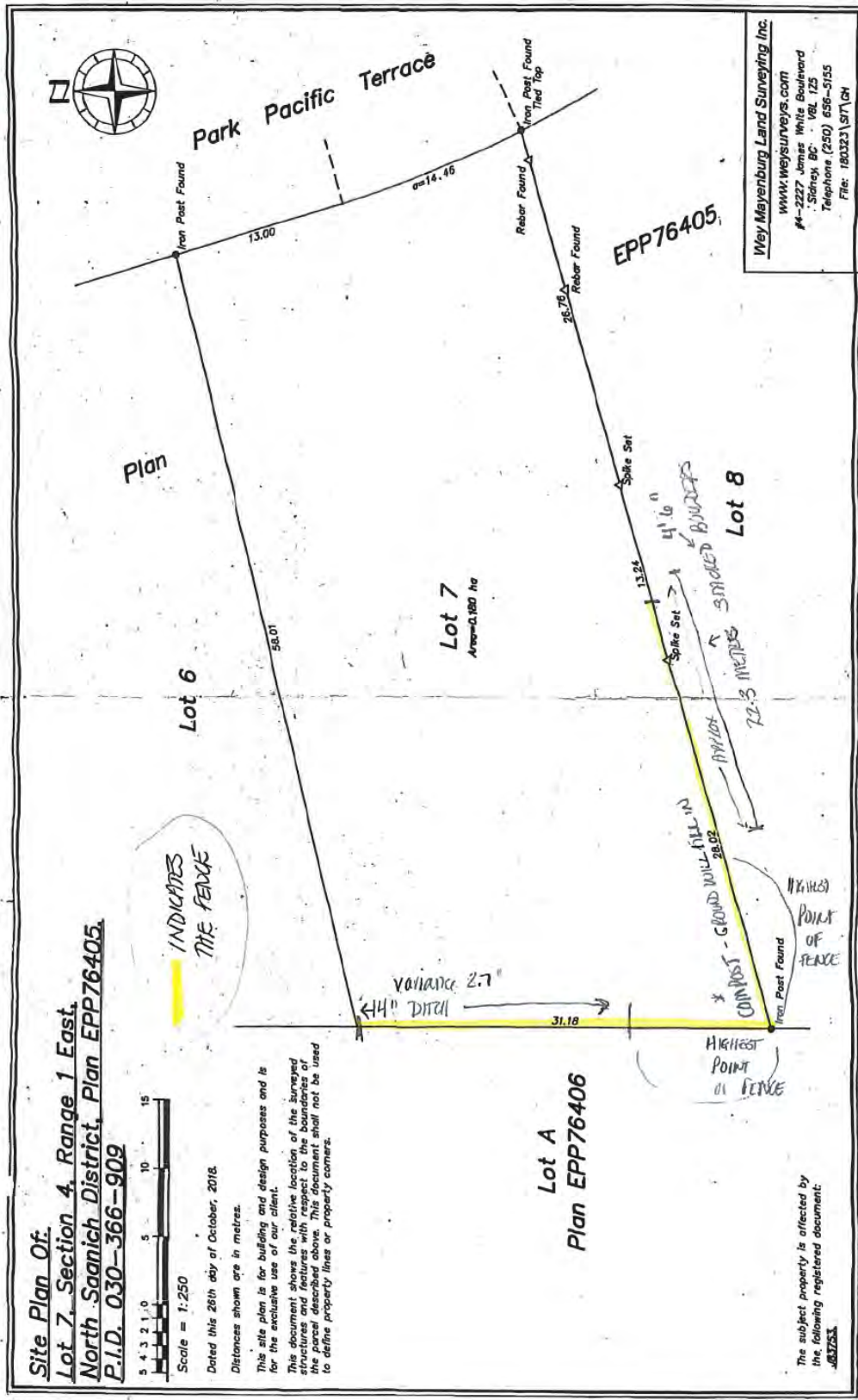
TYPE: Board of Variance Application

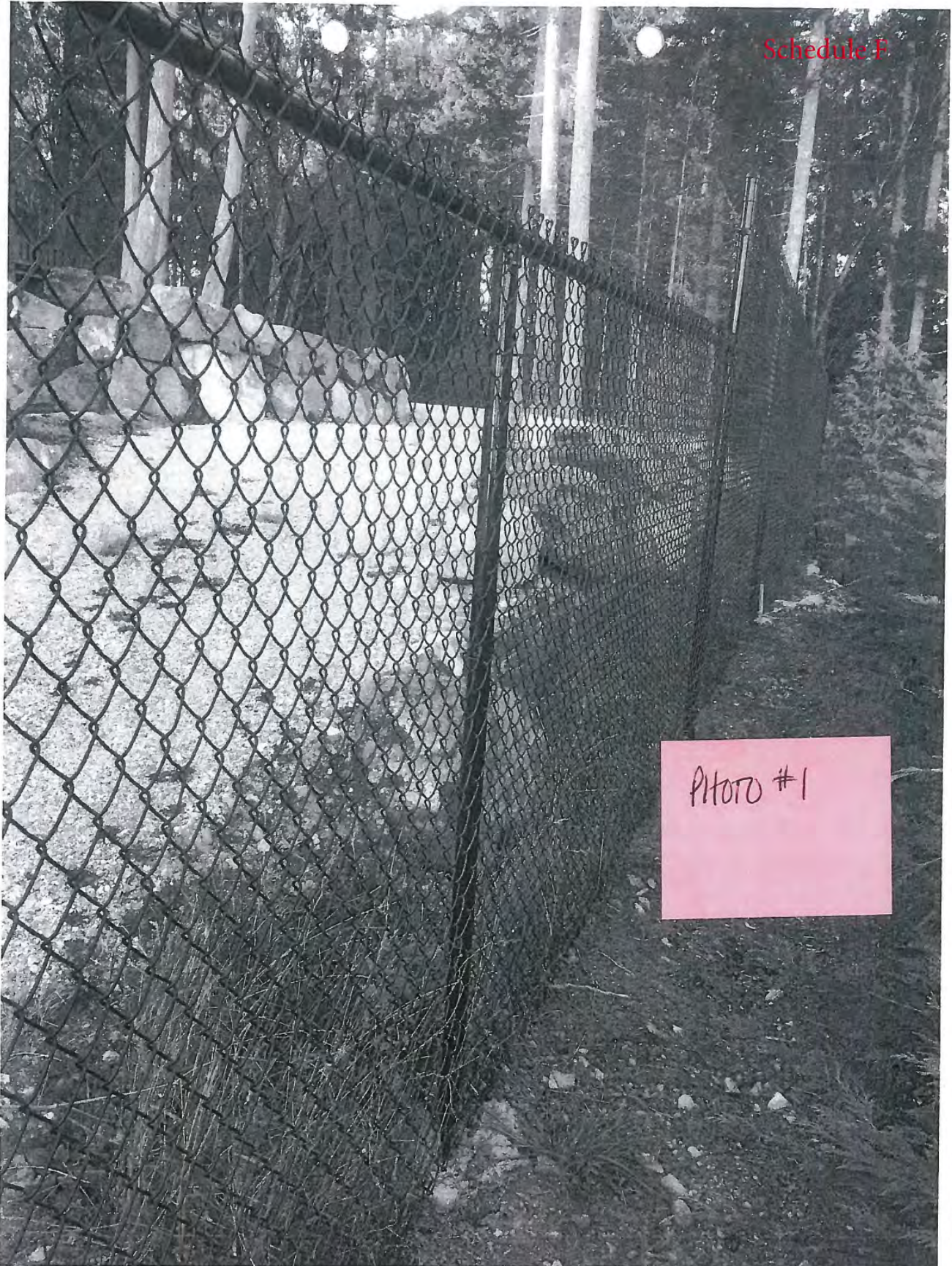
FILE #: BOV 2020-01

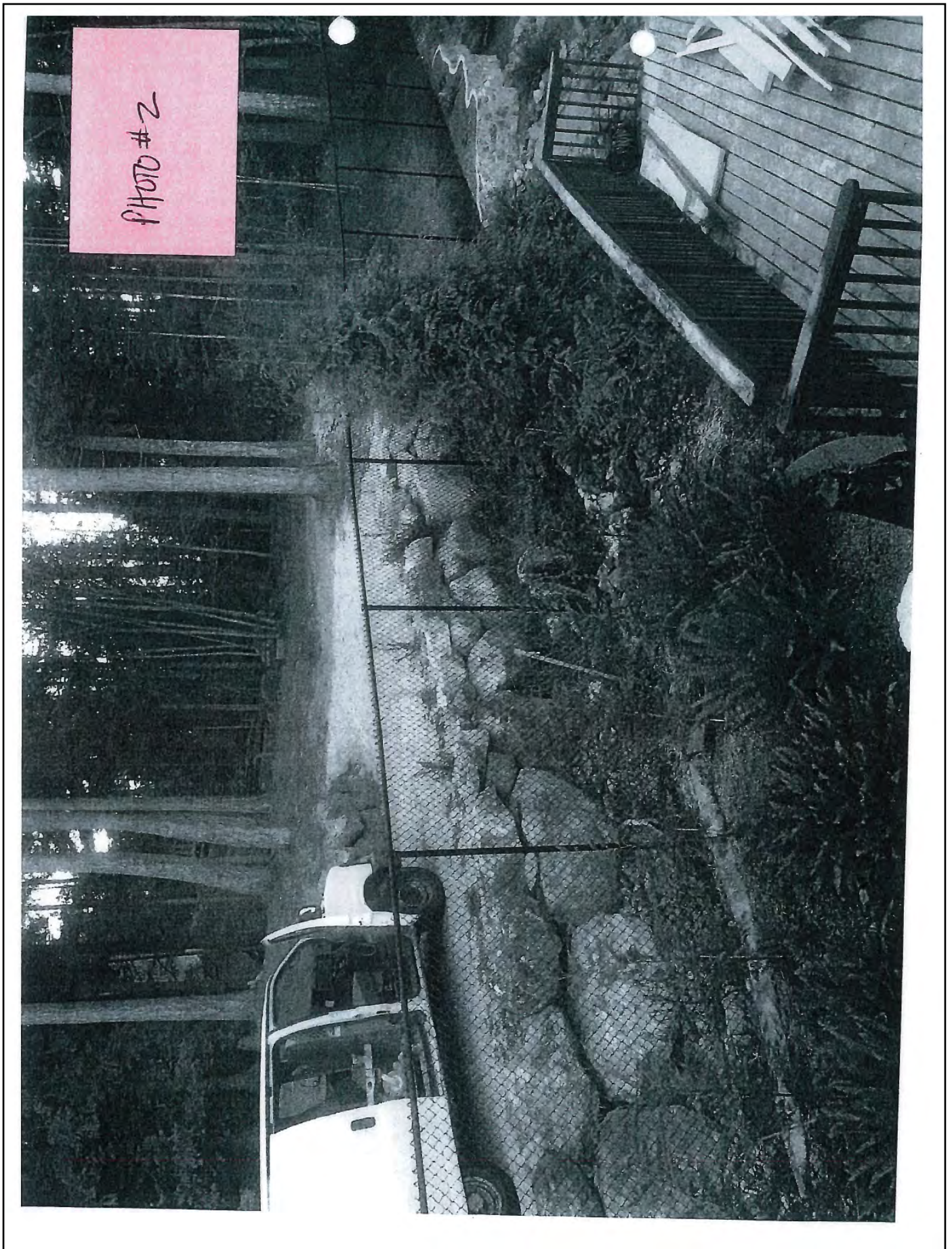
SCALE: 1:500

Schedule D

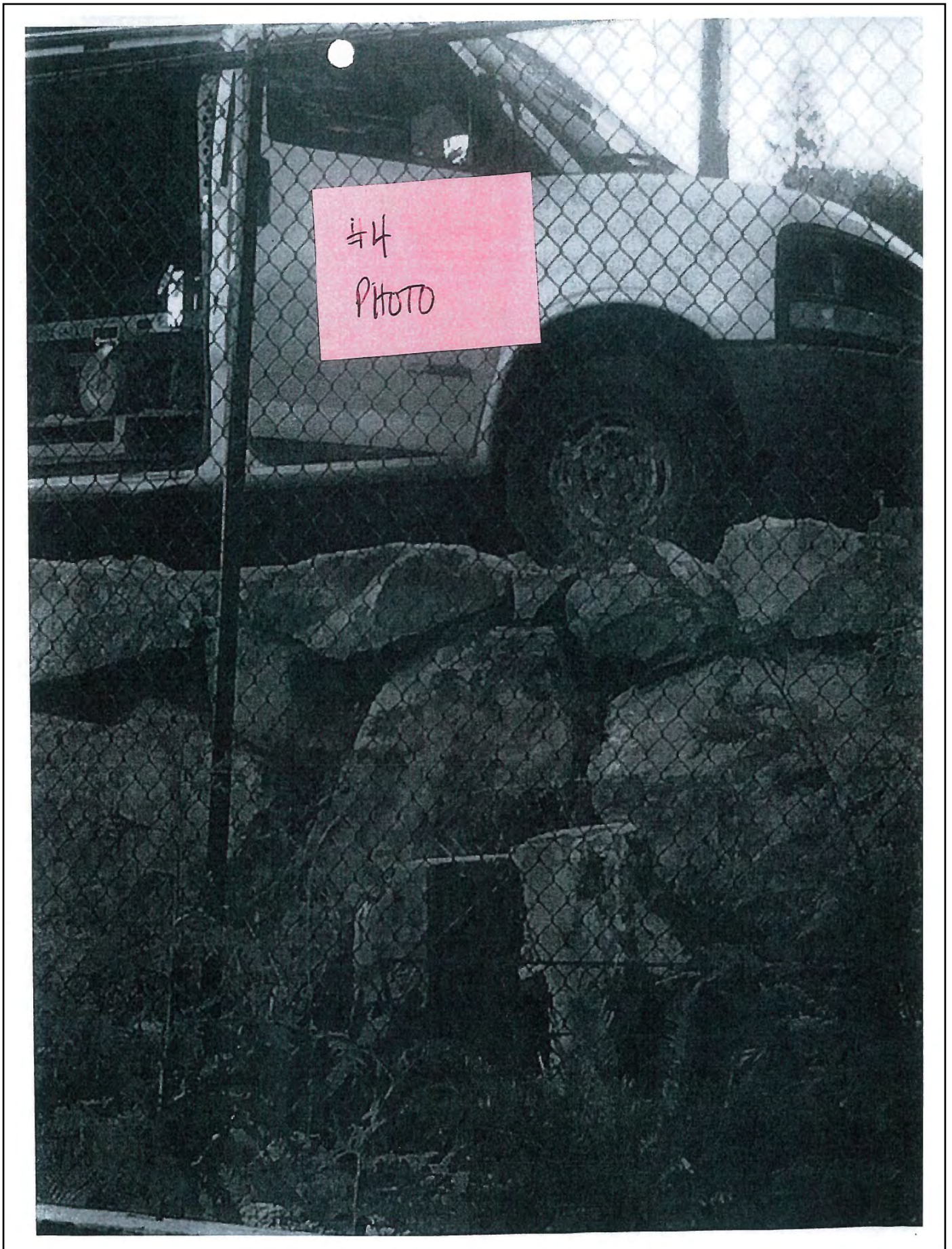
- We are applying for a variance permit for the 7'9" height of the fence in our backyard that runs along the south and west sides of our lot. The east side gates are both 6' in height as is a small portion of fence on the south side leading up to the gate (please see site plan for illustration).
- We installed the fence inside our property line in June of 2019 at total cost of \$16,700.00 (\$11k for the fence itself, \$700.00 for a survey and \$5,000.00 in a rock wall and materials to address gaps caused by the uneven topography at the bottom of the fence line (please see photo #6).
- The primary reason for the fence is to safely keep deer out of our back yard after losing thousands of dollars in plants and countless hours of gardening over the past sixteen years. In addition, both my husband I have had multiple encounters of accidentally startling the deer (and ourselves) that has put all party's safety at risk particularly with both bucks and mother deer.
- The fence height is necessary due to the downward grade of the land from the south the north, which has been exacerbated by the addition of large stacked boulders on the property to the south that was recently developed. Please see photos #1- #4 that illustrates a fence height of 3'4" against the 4.5 feet of stacked boulders. If not for the approx. 2 ft gap in between the boulders and the fence itself, deer would be able to easily clear the fence in its current state only to find a hazardous landing and subsequent entrapment. While the deer can be frustrating when destroying our garden, we worry about their safety and want to keep them from any potential harm.
- We received two quotes from fencing companies, and both advised that the standard height fence would not restrict deer from access given the topography. We were also advised by these professionals that for visual aesthetics it was best to maintain an even fence height surrounding the property.
- Please see letters #1 and #2 from our neighbours to the north who can see the fence from their backyards, as well as five additional letters of support from neighbours who have visited the back of our property. The view from properties on southside of our lot shows approx. 3 ft of fence (please see photo #5).
- We chose black chain link fencing material for its visual discreteness. In addition, we have planted a hedge consisting of 40 cedar shrubs that run from the front of our property to a good portion of the south fenced area. These are planted inside our fence line as far along as we had the ground for planting, with the remainder of the ground being rock. The cost of this hedge was approx. \$2500.00. To further deter deer and create additional privacy it is our intention to have the hedge grow to a height above the fence line. Similarly, with the west side/back fence (which backs onto forested property) we intend to grow an evergreen clematis vine to make for a more garden like appearance.
- Approx. %60 of the fence on the west (back) side of our property sits inside a 14" ditch with the fence height from level ground approx. 6'5" in height and just slightly over the 6.23' maximum.
- We would greatly appreciate your consideration of our request for a variance permit based on these conditions. To reduce the height of the fence would cost an additional \$2,500.00 to the \$20,000.00 in total that we have spent. It will also render the fence completely ineffective in keeping deer out and will create an unsafe environment when they attempt to access.













Schedule G

LETTER #1
NEIGHBOUR TO
IMMEDIATE
NORTH

January 6, 2020

District of North Saanich

1620 Mills Road

North Saanich, BC

V8L 5S9

Dear Sir/Madam:

RE: Fence at 8900 Park Pacific Terrace

We are writing to express our full support of the application for a variance on the height of the fence installed at the above referenced property in June of this year. As the neighbouring property directly to the north of Lisa and Richard A'Hara we were consulted about the fence in advance of its installation to ensure we had no concerns. We appreciate the need for the height of the fence given the sloping and uneven ground of the surrounding properties in order to safely keep the intended deer out of their backyard. We are on the downward sloping side of their property and therefore see more of the fence than from any adjoining properties and find the fence to be visually appealing, and the black chain link at the side and back makes it very discrete.

Best regards,

Lia & Darryn Smith

8906 Park Pacific Terrace

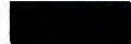


MYRON KOWALYK



NEIGHBOUR(N)
NEXT TO
MR & MRS SMITH
LETTER #2

8912 Park Pacific Terrace
North Saanich BC
V8L 4S1



Jan 06, 2020

To Whom It May Concern,

We understand that there is a concern about the fence surrounding the back yard of Rick and Lisa Ahara.

We certainly have no objection to the fence. The colour blends in well making the fence hardly noticeable. We also have no objection with the height of the fence.

Rick and Lisa are good neighbours. We have known them for many years. They are considerate of other people in our neighbourhood. On many occasions they have plowed snow off driveways for us and others. They haven't hesitated to check on neighbours with health and other concerns.

Ellen and Myron Kowalyk

January 15 , 2020

To Whom it May Concern

Our Neighbour Richard A'Hara's has applied for a Fence Height Variance on the South and West side of the property. The purpose of the Variance is to keep Deer out of the property to protect their plants. The fence blends in nicely with the property and surroundings and with the slopping and tiered land to the south would seem to be the best way to go. I have no objects to the fence what so ever.

Richard and Lisa A'Hara's are two of the nicest neighbours one could wish for and are always helping out the neighbours. Nice People.

Kind regards,



Ralph Shortill

Mr. Ralph Shortill
8877 Park Pacific Trc
North Saanich , BC
V8L5B1

2020-01-16

Lisa and Rick

From: "Bob OKeefe" <[REDACTED]>
Date: Wednesday, January 8, 2020 9:54 AM
To: "Lisa and Rick" <[REDACTED]>
Subject: 8900 Park Pacific Terrace

To the District of North Saanich

We are in full support of Richard and Lisa A'Hara's application for a variance as the fence height, in our view, is necessary to safely deter deer given the slope of the surrounding land. The new black chain link fence surrounding the back and side yard at the subject address is certainly complimentary to the area and not obtrusive in any way.

Bob and Joanne OKeefe
8915 Park Pacific Terrace
North Saanich, B.C.

1/8/2020

V. Mitranic
8883 Park Pacific Terrace
North Saanich, BC
V8L 5B1
Phone: [REDACTED]

January 16, 2020

To Whom it may Concern

Our neighbour, Richard A'Hara, at 3900 Park Pacific Terrace, North Saanich, has applied for the one foot eleven inch fence height Variance on the south and west side of their property. The purpose for the Variance is to keep deer from jumping into the garden and damaging the plants.

The neighbour has recently built one of the largest homes on this street, without consideration for the neighbourhood.

Any reasonable person will see that the Variance requested by Mr A'Hara will not have any impact on the party to the South.

Respectfully,

A handwritten signature in black ink, appearing to read 'V. Mitranic', written in a cursive style.

V. Mitranic

January 18, 2020

District of North Saanich

1620 Mills Road

North Saanich, BC

V8L 5S9

Dear Sir/Madam:

RE: Fence at 8900 Park Pacific Terrace

I am writing to express my support of the application for a variance on the height of the fence installed at the above referenced property in June of this year. Given the grade of downward sloping land the fence (which is quite discrete) is necessary, in my view, to safely restrict access by deer as it was intended to do .

Best regards,

A handwritten signature in black ink, appearing to read 'Lee Vassiliadis', written in a cursive style.

Lee Vassiliadis

8895 Park Pacific Terrace

8856 Park Pacific Terrace
North Saanich, BC V8L4L5

February 8, 2020

To Whom It May Concern

Subject: Fence variance at 8900 Park Pacific Terrace

As a resident of Park Pacific Terrace, I am aware of the fence in question. As such, I have no issue with its proposed height. Given the presence of an existing rock wall on the adjacent property immediately behind it and the relative elevations created by the wall, there's no reason for an objection to the proposed height.

Yours truly,

A handwritten signature in black ink, appearing to read "Chris Hopkins", written in a cursive style.

Christopher Hopkins

Crystal Gotto

Subject: FW: Board of Variance
Attachments: Board of Variance - 8900 Park Pacific Terrace.docx

From: Irene McConkey [mailto: [REDACTED]]
Sent: Wednesday, March 11, 2020 8:42 PM
To: admin <a@northsaanich.ca>
Subject: Board of Variance

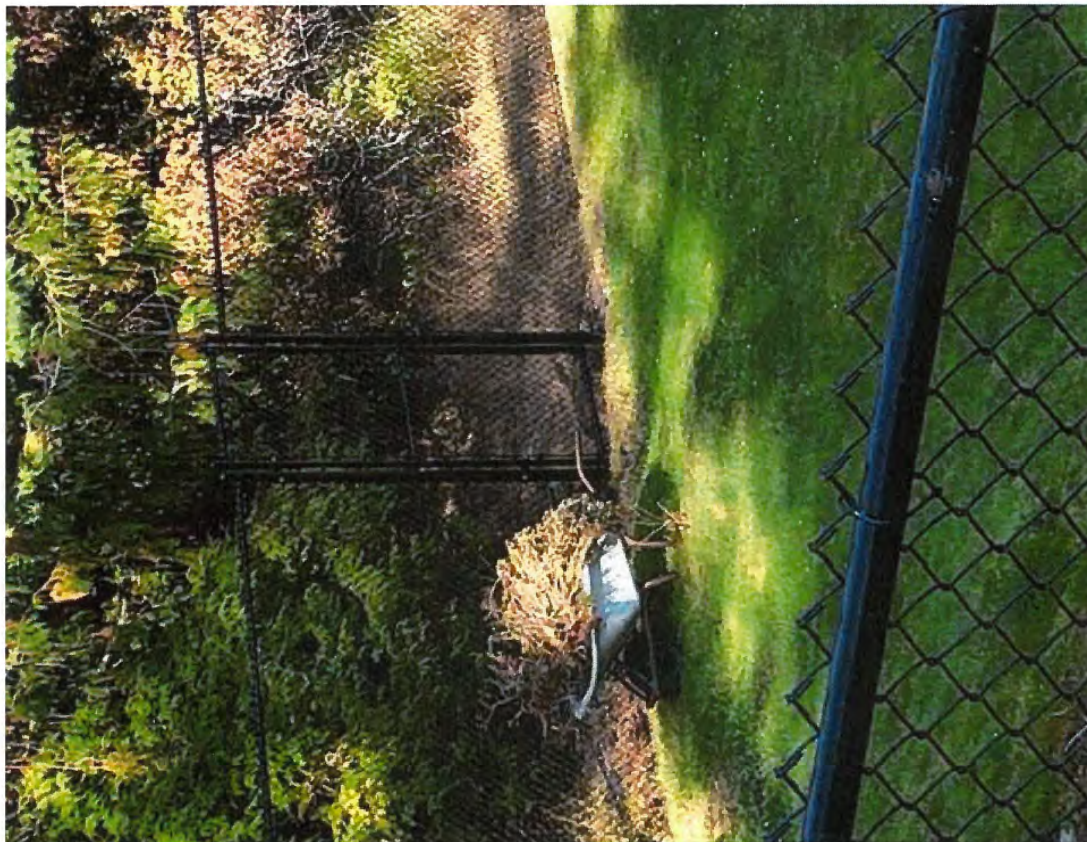
Re: Board of Variance Application - 8900 Park Pacific Terrace, DNS File: BOV 2020-01

Please find attached one Word document and two photos to be forwarded to the Board of Variance for the upcoming meeting scheduled for Thursday, March 19, 2020 at 10am.
Please confirm with me via email that this information has been forwarded to the Board.

Thank you.

Best regards,
Irene McConkey
8896 Park Pacific Terrace





March 11, 2020

District of North Saanich
1620 Mills Road
North Saanich, BC, V8L 5S9

Attention: Board of Variance

Dear Board Members:

This letter is in response to the Board of Variance application for 8900 Park Pacific Terrace, DNS file number BOV 2020-01.

My husband and I own the adjacent property at 8896 Park Pacific Terrace. We do not support the variance application.

There are only two properties that are affected by this fence. Our property to the south and to the west the former UVic/Dunsmuir lands, now owned by the Bokecen Xaxe Sacred Society of the Pauquachin First Nation.

Upon receipt of the notice from the District of North Saanich regarding the variance application, we visited Nordic Fencing who installed the over height fence at 8900 Park Pacific Terrace. We asked what their policy was regarding a customer's request to install a fence that was over height and did not comply with municipal bylaws. They advise their customers to:

- 1) Talk to their neighbours to see if they have any concerns
- 2) Go to the municipality and apply for a variance prior to commencing the installation

Neither was done in this case. Not only did the applicant choose to ignore the advice of Nordic Fencing, they also showed total disregard for their neighbours and for municipal bylaws.

The applicant was aware of the rules and chose to break them.

We thought it was unusual when the fence was constructed with a gate on the west side leading on to the Bokecen Xaxe Sacred Society's land. Upon investigation, we found a very large pile of debris measuring approximately 20' by 20' and 3' high on the Society's land. The pile of debris is directly behind the gate and it was obvious that it had been accumulating over a long period of time. It is hidden from view by bushes that border the applicant's property (pictures attached – please note the wheelbarrow full of garden debris next to the gate). Based on the significance of these lands to the Pauquachin First Nation, we believe they would be very upset to find out that someone has been using their land as a dump. It is inconceivable to us that anyone could show such blatant disregard for common rules of decency.

The house is located in Dean Park Estates, a residential subdivision of 782 homes. Last year the applicant started renovating their home and grounds. Under Dean Park Estates Community Association (DPECA) rules, a homeowner is required to inform DPECA whenever undertaking changes to the exterior of their home, including fencing and hedges. To date, DPECA has not received any correspondence from the applicant regarding changes or additions to their fencing or home. The applicant and her husband cannot say they were unaware of the rules. Both of them served on the DPECA Executive for 3 years.

Again, the applicant was aware of the rules and chose to break them.

We are definitely opposed to this application. This is a case of *"it's better to beg for forgiveness than ask for permission"*. We do not believe those who knowingly break the rules should be rewarded for their actions. It sends a totally wrong message. We hope that the Board of Variance will uphold the District of North Saanich's bylaws and deny the request.

Sincerely,

Irene and David McConkey
8896 Park Pacific Terrace


Drew Bakken

From: Deanna Law
Sent: Monday, March 30, 2020 8:58 AM
To: Adrian Brett; Carly Rimell; Drew Bakken
Cc: Rebecca Roder
Subject: FW: Variance

FYI

Deanna Law | Administrative Assistant/ Planning & Community Services Department
District of North Saanich | 1620 Mills Rd | North Saanich, BC V8L 5S9 | 250-655-5470

From: Sara De Melo **On Behalf Of** admin
Sent: Monday, March 30, 2020 8:49 AM
To: Deanna Law <DLaw@northsaanich.ca>
Subject: FW: Variance

From: Cameron McCrodan [<mailto:> 
Sent: Saturday, March 28, 2020 9:53 AM
To: admin <a@northsaanich.ca>
Subject: Variance

DNS file BoV 2020-01

Hi there.

Cam McCrodan and Morgan Watson are in support of the variance to increase the height.

We are familiar with the property and it makes sense to do so.

Thanks.

--

Sincerely,

Dr. Cameron McCrodan, OD FCOVD
Opto-mization Neurovisual Performance
www.opto-mization.com

Drew Bakken

From: Jan Buermans [REDACTED] >
Sent: Tuesday, May 5, 2020 6:21 PM
To: Drew Bakken
Subject: RE: Board of Variance

Hi Mr. Pakken,

Please accept my apologies. The address of my neighbor is 8896 Park Pacific Terrace, North Saanich, B.C., V8L 4S1 directly adjacent to our property.

Best regards,

Jan

Jan Buermans, PEng | Vice-President & Product Division Manager
ASL Environmental Sciences Inc.
1-6703 Rajpur Place, Victoria, B.C., V8M 1Z5, Canada
m: +1 [REDACTED] | t: +1 [REDACTED]
e: [REDACTED] | w: [REDACTED]

From: Drew Bakken <DBakken@northsaanich.ca>
Sent: Tuesday, May 5, 2020 5:18 PM
To: [REDACTED] >
Subject: RE: Board of Variance

Hi Jan,

I received the letter you submitted for the Board of Variance. I was wondering if you could clarify your reference to the adjacent address "8891 Park Pacific Terrace" as this address does not exist.

Thanks,
Drew Bakken, Planner
District of North Saanich
778-426-8482

May 4, 2020

DISTRICT OF NORTH SAANICH

Board of Variance

1620 Mills Road,
North Saanich, BC V8L 5S9

Subject: Opposed to the granting of a Variance
8-foot fence at 8900 Park Pacific Terrace North Saanich, BC V8L 4S1
DNS File: BOV 2020-01

Dear Chair of the Board of Variance,

I am opposed to the granting of a Variance for the 8-foot fence at 8900 Park Pacific Terrace, North Saanich, BC, V8L 4S1.

I am surprised to see that the construction of the fence ahead already seemingly without approval. My property is located adjacent to 8891 Park Pacific Terrace.

Respectfully Submitted,



Jan Buermans
1668 Georgia View Pl, North Saanich, BC V8L 4R6 Canada

C: [REDACTED] Hm: [REDACTED]
E: [REDACTED] or [REDACTED]

Cc: Mr. and Mrs. McConkey

Crystal Gotto

Subject:

FW: Board of Variance - 8900 Park Pacific Terrace

From: Peter Jones [mailto: [REDACTED]]

Sent: Tuesday, June 9, 2020 1:33 PM

To: admin <a@northsaanich.ca>

Cc: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

Subject: Board of Variance - 8900 Park Pacific Terrace

Re. Section 502.4(e)(ii) of Zoning Bylaw No. 1255 within a Single Family Residential (R-1) zone in order to increase the maximum allowable height for a fence in all other areas than the front yard from 1.9m to 2.36m, an increase of 0.46m.

Dean Park Estates Community Association (DPECA) is aware that the District of North Saanich (DNV) is holding a Board of Variance meeting shortly, one issue will be fence height at 8900 Park Pacific Terrace.

DPECA understanding is installed fence height is 2.36m or thereabout, current DNV Bylaw for maximum fence height is 1.9m. Owner of subject residence has requested of DNV a Variance to applicable Bylaw permitting fence height on subject property to be 2.36m.

DPECA Executive takes no position on Board of Variance acceptance or denial of petition by resident of subject property. However, DPECA Executive advises Board of Variance that Covenants – Schedule of Restrictions - on title of every residence withing the boundaries of Dean Park Estates is clear that maximum fence/hedge height is seven feet, metric dimension not on Covenant – height in feet similar to DNV Bylaw specific to maximum fence height of 1.9m.

Resident at 8900 Park Place Terrace is fully conversant with Schedule of Restrictions for Dean Park Estates, in fact, said resident was on DPECA Executive for several years. No request by subject resident asking for variance of fence height by DPECA Executive has been made – should subject resident make such request for height variance no permission will be given by Executive, this is consistent with historical decisions by DPECA Executive specific to fence height remaining at 7 feet maximum.

DPECA Executive brings to attention of Board of Variance that subject residence owner installed fence with no prior approval from DPECA or DNV.

No resident on Park Pacific Terrace, or directly affected residences/property on nearby streets, or Dunsmuir lands, has made complaint to DPECA Executive.

We appreciate the Board of Variance Committee consideration of comments presented by DPECA Executive (excluding Irene and Dave McConkey who recused themselves).

Thank you,

Peter Jones, President of Dean Par Estates Community Association

8757 Carmanah Terrace
North Saanich
BC V8L 5E9

E-mail: [REDACTED]
Direct: [REDACTED]
Cell: [REDACTED]

Please consider the environment before printing this email. The information transmitted, including any content in this communication is confidential, is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any use of the information contained in or transmitted with the communication or dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately.

June 9, 2020

District of North Saanich
1620 Mills Road
North Saanich, BC, V8L 5S9

Attention: Board of Variance

Dear Board Members,

This letter is in regards to the Board of Variance application for 8900 Park Pacific Terrace, DNS file number BOV 2020-01 and the Board of Variance meeting scheduled for June 18th.

We own the adjacent property at 8896 Park Pacific Terrace and are one of the two properties directly affected by the application, which we oppose. The over height fence has been erected contrary to Municipal bylaws and also contravenes the restrictive covenants registered on title of the applicant's property. Additionally, all fencing must be approved by the Dean Park Estates Community Association's design review committee, which was not done in this case. From discussion with the Provincial Government, it is our understanding that a Board of Variance order cannot conflict with Land Title Act covenants.

Correspondence received by the Board expressing support for the fence was solicited by the applicant. Several of these properties are not within the 50 metre radius. None of them are impacted in any way by the fence as it is not visible from the street or their properties. They would only be able to see the fence if they were in the applicant's back yard.

Mr. Buermans of 1668 Georgia View Place has submitted a letter to the Board opposing granting a variance. The fence is visible from his property. He wrote the letter without solicitation from us.

We have been informed by Drew Bakken of the District's Planning Department that we will not be allowed to participate in the upcoming Board of Variance meeting. He advised us that the meeting is closed to the public and any comments we have can be submitted in writing. The applicant, however, is being allowed to participate.

Prior to Covid-19, the Provincial Government's mandate was that Board of Variance meetings must be open to the public. We realize that Covid-19 has changed almost every aspect of our day to day lives, but we feel very strongly that those affected by the variance request should not be excluded and be allowed to participate in the meeting. We should be afforded the same rights as the applicant.

Respectfully,

Irene and David McConkey

Subject: Board of Variance Application, BOV 2020-01, 8900 Park Pacific Terrace

Dear Board of Variance,

We hope you and your families have all been keeping well during these challenging times.

We are writing to you today to express our concerns regarding the process for the upcoming Board of Variance meeting scheduled for June 18th.

An over height fence has been erected at 8900 Park Pacific Terrace. The fence borders two properties - our property to the south and to the west the former UVic/Dunsmuir lands, now owned by the Bokecen Xaxe Sacred Society of the Pauquachin First Nation.

The owners of 8900 Park Pacific Terrace have made application for a variance. The fence is .46 metres higher than what is allowed by Municipal bylaws.

We were shocked when we were advised by Drew Bakken of the District's Planning Department that we will not be allowed to participate in the upcoming Board of Variance meeting. He advised us that the meeting is closed to the public and any comments we may have can be submitted in writing. The applicant is being allowed to participate by Zoom.

The Provincial Government mandates that Board of Variance meetings must be open to the public. We realize that Covid-19 has changed almost every aspect of our day to day lives, but we feel very strongly that the public should not be excluded and be allowed to participate fully. The board's decision in this matter could have huge implications for the 782 properties located within Dean Park Estates. There is no sense of urgency in this case as the fence has been installed for almost a year.

We respectfully request that the Board of Variance meeting on this matter be postponed until such time that everyone concerned can be heard, not just the applicant.

Best regards,

Irene and Dave McConkey
8896 Park Pacific Terrace