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**DISTRICT OF WEST VANCOUVER**  
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

## **COUNCIL REPORT**

Date:	July 21, 2025
From:	Eric Villeneuve, Manager of Land Development
Subject:	Appeal of denial of encroachment permit for rocks on the boulevard at 2035 Russet Way
File:	06-1135-05-2025

### **RECOMMENDATION**

THAT:

- 1) The boulevard encroachment permit for rocks fully within District-owned public land and abutting 2035 Russet Way be denied; and
- 2) The property owners be required to move all rocks at least 2 metres away from the road edge on the public boulevard.

#### **1.0 Purpose**

To provide the opportunity for the encroachment permit applicant to appeal to Council for reconsideration of the denied boulevard encroachment permit within District-owned public land abutting 2035 Russet Way.

#### **2.0 Legislation/Bylaw/Policy**

##### **Boulevard Encroachment Permits**

The District's Boulevard Bylaw No. 5131, 2021 (the "Bylaw") regulates the use and occupation of highway boulevards. To construct certain encroachments, an owner must obtain permission through an encroachment permit issued by the Director of Planning, Development & Environment Services, ("the Director") or any person designated by the Director under the Boulevard Bylaw. An applicant can appeal to Council a decision of the Director regarding an encroachment permit.

#### **3.0 Council Strategic Objective(s)/Official Community Plan**

Council's Strategic Objectives and the Official Community Plan do not apply.

#### **4.0 Financial Implications**

Not Applicable.

## 5.0 Background

The subject property has a civic address of 2035 Russet Way and is legally described as Lot 50, Block 16, District Lot 783, Plan 9780. The property is zoned RS3, approximately 1,274 m<sup>2</sup> in size with a one-storey, single-family dwelling, and is situated at the corner of Russet Way and Russet Place (**Appendix A**).

A building permit for new driveway, stairs, and retaining walls on the property was issued in April 2024. As part of routine final inspections of the work, Land Development staff inspected the property in October 2024.

### 5.1 Previous Decisions

None.

### 5.2 History

On October 7, 2024, Land Development staff attended the address to complete the final inspection for a building permit. Staff observed rocks up to 0.6 metres in size installed approximately 0.8 metres from the edge of the roadway on the municipal boulevard along both Russet Way and Russet Place (**Figures 1, 2 & 3**). Staff informed the owner of 2035 Russet Way (the "Owner") that the rocks required removal to pass the final inspection because they did not conform to the Bylaw.



**Figure 1: Rocks on Russet Way**



**Figure 2:** Rocks on roadway curve



**Figure 3:** Rocks on Russet Place

The Owner informed staff that the rocks were placed to prevent cars from parking on the grass and requested a variance to keep them. Staff informed the Owner that they may apply for an encroachment permit for the rocks; the application was made on March 9, 2025.

Staff reviewed the application and determined that the rocks did not meet the criteria for the Director to issue an encroachment permit because they were not at least 2 meters from the edge of the roadway, contrary to section 7.5.2 of the Bylaw, and they posed a hazard or obstruction to vehicles, contrary to section 6.5.2 of the Bylaw.

Regarding the latter reason for denying the encroachment, staff advised the Owner that the installation of rocks within 2 meters of the edge of road presented a risk to vehicles because they are difficult to see and can cause significant damage when struck. Additionally, they block emergency vehicles from accessing or parking on the boulevard when responding to emergencies.

## **6.0 Analysis**

### **6.1 Discussion**

Part 7 of the Boulevard Bylaw 5131, 2021 outlines the specific criteria for issuing an encroachment permit as follows:

*“7.5 The Director may issue an encroachment permit for the following types of encroachments, provided that the encroachment complies with the conditions set out in Section 6.5:*

*7.5.2 In locations at least 2 m from the edge of the roadway, or such greater distance as may be required to maintain unobstructed access to water meters and ensure visibility at intersections, but not on a boulevard adjacent to the natural boundary:*

*(b) Rocks or similar landscaping features between 0.6 and 1.2 m in height and up to 1.2 m in width, not forming a continuous wall.”*

Under Section 7.7, the Director may issue an Encroachment Permit authorizing encroachments other than those described in Section 7.5, provided that the Director is satisfied that the encroachment complies with a variety of conditions set out in Section 6.5 of the Bylaw including:

*“6.5.2 Does not pose a hazard or obstruction to vehicles, cyclists or pedestrians using the highway.”*

The rocks do not satisfy the conditions set out in section 7.5 of the Bylaw because the rocks are closer than 2 meters to the edge of the road.

The rocks do not satisfy the conditions set out in Section 6.5 of the Bylaw because they present a risk to vehicles, given that they are difficult to see and can cause significant damage when struck. In addition, the installed rocks block emergency vehicles from accessing or parking on the boulevard when responding to emergencies.

6.2 Climate Change & Sustainability

Not Applicable.

6.3 Public Engagement and Outreach

Not Applicable.

6.4 Other Communication, Consultation, and Research

Not Applicable.

**7.0 Options**

7.1 Recommended Option

THAT:

- 1) The boulevard encroachment permit for rocks fully within District-owned public land and abutting 2035 Russet Way be denied; and
- 2) The property owners be required to remove all rocks at least 2 metres away from the road edge on the public boulevard.

**8.0 Conclusion**

The property owner of 2035 Russet Way applied for an encroachment permit to retain rocks installed in the boulevard. The rocks are fully located within District-owned public land and are non-compliant with the criteria outlined in District Bylaws and present a potential risk to vehicles utilizing the roadway.

Author:



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Eric Villeneuve, P.Eng.  
Manager of Land Development

Date: July 21, 2025 Page 6  
From: Eric Villeneuve, Land Development Manager  
Subject: Appeal of Director of Planning, Development & Environment Services' Denial of an Encroachment Application for Rocks on the Boulevard at 2035 Russet Way

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Appendices:

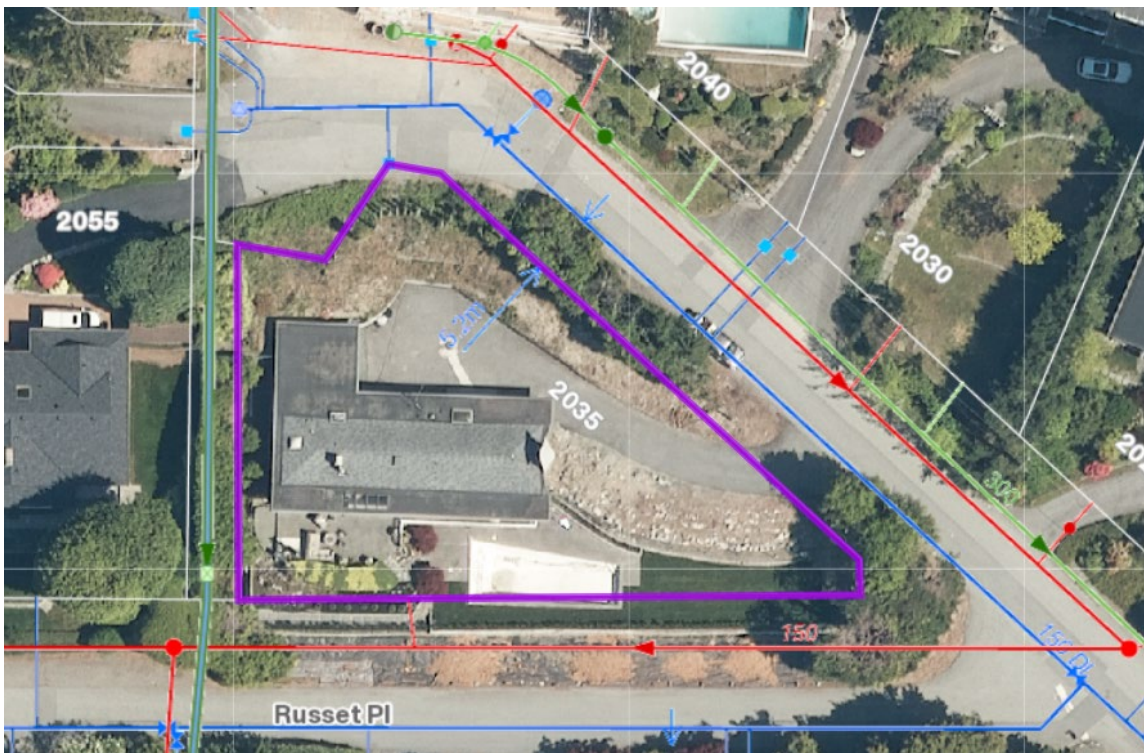
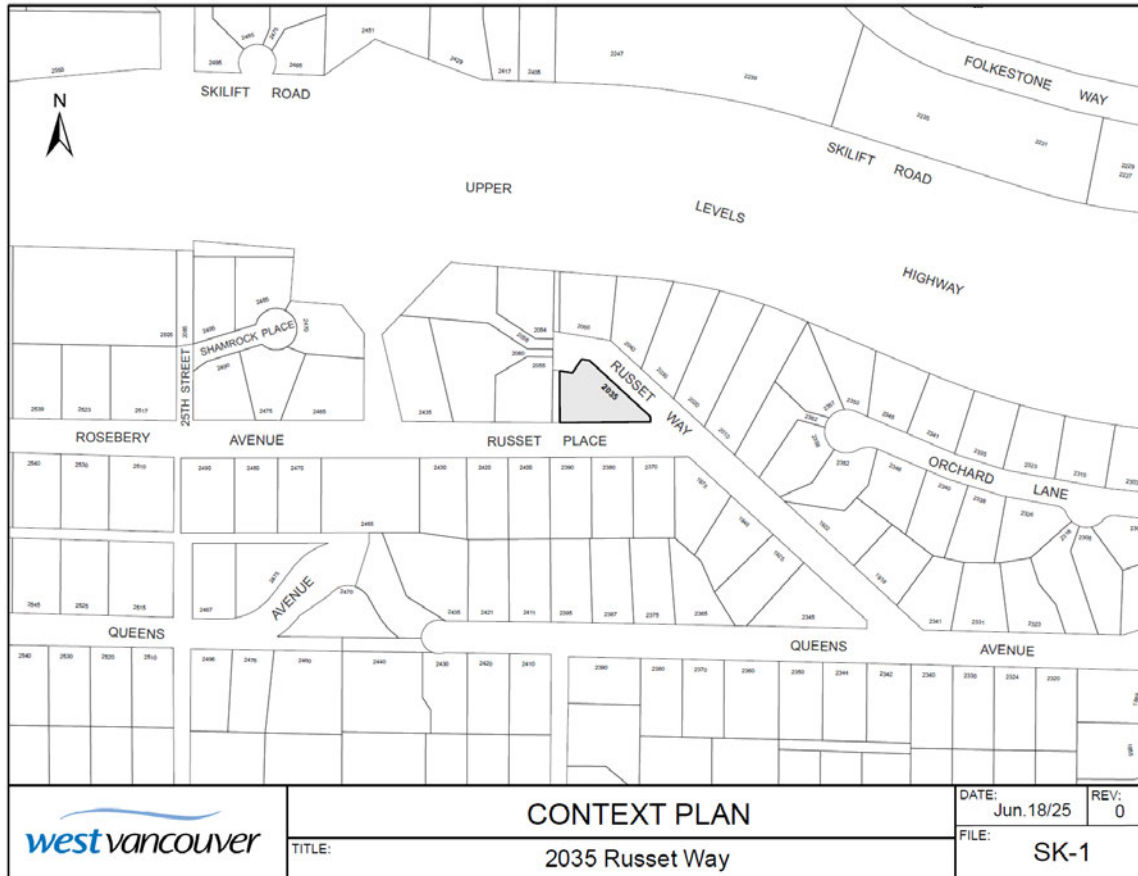
**A** – Context plan and WestMap aerial image showing existing utility infrastructure

**B** – Owner's Boulevard Encroachment Permit Application dated March 9, 2025

**C** – District Letter denial of Boulevard Encroachment Permit Application by staff dated May 5, 2025

**D** – Owner's letter and supporting documentation requesting Council to reconsider application dated May 13, 2025

**APPENDIX A**



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**APPENDIX B**

PLANNING & DEVELOPMENT SERVICES  
 750 17th Street West Vancouver BC V7V 3T3  
 604-925-7040 f: 604-925-7234 e: landdevelopment@westvancouver.ca



**ENCROACHMENT APPLICATION**

Date: MAR 9/25

**TO BE FILLED OUT BY APPLICANT**

s.22(1)  
 [Redacted]

owner's phone number  
2035 RUSSET WAY  
 address of property adjacent to proposed encroachment location  
LOT 50, BLOCK 16, PLAN VAP 9780 DL B1  
 legal description of property adjacent to proposed encroachment location

optional: if third party to correspond on your behalf, please provide their contact information  
 s.22(1)  
 [Redacted]

**INTERNAL STAFF ONLY**

date received  
 by  
 application type:  
 minor encroachment (complies with Council policy)  
 major encroachment (requires Council approval)  
 attachments:  
 authorization of owner(s) of property adjacent to proposed encroachment to proceed with application (if different than applicant)  
 the location, extent, nature and purpose of the proposed encroachment, including dimensions and materials  
 a statement regarding construction and maintenance of the encroachment  
 sketch, drawing or plan of encroachment  
 photo of proposed encroachment location (optional)  
 additional information as required by the Director of Engineering & Transportation  
 Fee  
 checked by Engineering  
 checked by Planning

**Application:** The applicant hereby acknowledges that this application is made pursuant to the *Boulevards Bylaw #4886, 2016, as amended*. **Legal Costs:** The applicant hereby agrees to assume all legal costs directly incurred by the District through the processing of this application. **Utility Lots:** This form shall be used for an application within a municipally owned utility lot. **Validity:** An application for an Encroachment Permit application lapses if the Permit is not obtained within 180 days from the date of application. An application that requires Council consideration lapses if a decision has not been obtained within one year from the date of application.

**We hereby agree to the terms contained in this application form.**  
 s.22(1) [Redacted] s.22(1) [Redacted]  
 applicant address  
 date: MAR 9, 2025

*Freedom of Information and Protection of Privacy Act: personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act section 26(c) and will be used for the purpose of processing your development application. If you have any questions about the collection and use of this information please contact Legislative Services, Records & Information Management Coordinator at 604-921-3497, District of West Vancouver, 750 17th Street, West Vancouver BC V7V 3T3.*

## **2035 Russet Way, West Vancouver, B.C. – Encroachment Application**

**We would like to have rocks along the boulevard to prevent cars from parking on the grass and eroding the area causing damage to the roadway. The area currently does not have curbs and is on a steep slope so if vehicles park on the grass (especially in wet weather) they lose traction and slide further into the boulevard. The rocks along the boulevard keep the cars on the roadway preventing potential problems.**

**City of West Vancouver installed concrete barriers to prevent vehicles from sliding down embankment.**



**Rocks are placed approximately 32" from edge of roadway. Rocks are less than 0.6 meters in height.**



**Sample of erosion from vehicles parking off the roadway, causing damage to the side of the roadway.**



**Before and after photos of landscape clean up and BP118773. We maintain the lawn area on the boulevard.**





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## APPENDIX C

PLANNING & DEVELOPMENT SERVICES  
750 17th Street, West Vancouver BC V7V 3T3  
T: 604-925-7055 F: 604-925-6083



May 5, 2025

File: BE000042

s.22(1)

Dear Property Owners:

**RE: 2035 RUSSET WAY – ENCROACHMENT PERMIT APPLICATION FOR ROCKS ON THE BOULEVARD DENIED**

District staff have received the Encroachment Permit Application and submitted documents for the installation of rocks on the municipal boulevard at the subject property.

After reviewing the documents provided, the installed encroachments do not meet the criteria for an Encroachment Permit in Part 6 and Part 7 of Boulevard Bylaw No. 5131, 2021.

Specifically, the encroachments do not meet the criteria for an encroachment listed under Section 7.5 as listed:

*“7.5.2 In locations at least 2 m from the edge of the roadway, or such greater distance as may be required to maintain unobstructed access to water meters and ensure visibility at intersections, but not on a boulevard adjacent to the natural boundary:*

*(b) Rocks or similar landscaping features between 0.6 and 1.2 m in height and up to 1.2 m in width, not forming a continuous wall; and*

*“7.7 The Director may, but is not obliged to, issue an encroachment permit authorizing encroachments other than those described in Section 7.5, if the Director is satisfied that the encroachment complies with the conditions set out in Section 6.5 and is of the opinion that the encroachment is consistent with and contributes to the established character of the boulevard and the street of which it forms a part.”*

As per the conditions listed in Section 6.5 of the Bylaw, the following has not been satisfied:

*“6.5.1 Does not interfere with access to, bury, expose or damage any pipe, hydrant, valve box, service post, manhole or other utility infrastructure; and*

*6.5.2 Does not pose a hazard or obstruction to vehicles, cyclists or pedestrians using the highway.”*

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The installation of rocks within 2 m of the edge of road presents a risk to vehicles as they are difficult to see and can cause significant damage when struck. Additionally, they block emergency vehicles from accessing or parking on the boulevard when responding to emergencies. Lastly, there is an existing water main located on the boulevard that may be impacted by the installed encroachment.

District staff are not able to issue an Encroachment Permit due to required Bylaw criteria not being met and the outlined safety and utility infrastructure concerns.

If you would like to appeal this decision to Council, an application for reconsideration must be made in writing to Hope Dallas, Corporate Officer ([hdallas@westvancouver.ca](mailto:hdallas@westvancouver.ca)) within ten (10) calendar days of this decision being communicated to you.

Please include and copy: [landdevelopment@westvancouver.ca](mailto:landdevelopment@westvancouver.ca) on all communication for the appeal. The application must include:

- The information that was provided to the District with respect to your application;
- A copy of the decision;
- A statement of the decision that the applicant wishes Council to substitute for the original decision;
- The applicant's reasons for requesting a reconsideration;
- The application fee payment as specified in the Fees and Charges Bylaw; and
- All responses and clarification to the comments and concerns staff previously identified (additional time may be requested for this item if the information cannot be obtained within ten (10) days).

Please note District staff will recommend against Council providing permission to retain the encroachment on municipal property due to the reasons listed above.

With this decision and in absence of a submitted appeal, you are required to:

1. Permanently remove all installed rocks from the boulevard no later than by June 5, 2025.

Failure to complete the above requirement may result in further action by the District at the property's owner's cost.

If you have any questions, please contact Cam Stel at 604-925-7159 or by email at [cstel@westvancouver.ca](mailto:cstel@westvancouver.ca).

Thank you,

*Amberlyn Aguilar*

Amberlyn Aguilar  
Land & Planning Clerk

## APPENDIX D

### **2035 Russet Way, West Vancouver, B.C.** **- Encroachment Permit Request**

Requested Encroachment Permit wording -

Rocks are allowed within the 2 meter boulevard setback from the road edge.

As per the letter dated May 5, 2025 the following points were noted as reasons to deny the encroachment permit request.

**“6.5.1 Does not interfere with access to, bury, expose or damage any pipe, hydrant, valve box, service post, manhole or other utility infrastructure; and**

**6.5.2 Does not pose a hazard or obstruction to vehicles, cyclists or pedestrians using the highway.”**

I can understand some confusion regarding these points are centred on the retaining wall and concrete road barriers installed by the District of West Vancouver (as shown in the next photo circled in Yellow). This area is outside the owner's control and not part of the encroachment request.

WestMap diagram (attached below) showing all areas encroachment is being requested and that the encroachment would not conflict with 6.5.1 and does not cause any interference or block access to services.

As per 6.5.2 by the very definition “does not pose a hazard or obstruction to vehicles, cyclists or pedestrians **using the highway**” the fact the rocks are setback approximately 3 feet from road edge would mean vehicles, cyclists or pedestrians would need to be traversing on the boulevard and not on the roadway to be affected. We are asking for an encroachment of approximately 3 feet as the rocks are allowed 2 meters away from the roads edge.

The encroachment permit is requested as our street does not have curbs to prevent vehicles from leaving the road (see photos attached). The topography is steep so vehicles parking off the roadway have slid down the boulevard grass in wet and wintery conditions (see photos attached). In addition, vehicles parking off roadway damage road edge increasing erosion concerns (show in photos).

We are asking the Mayor and Councillors to review our encroachment request and ask yourselves does this not make good common sense. It is easy to say no, but residents are hoping City Hall is here to help residents and not a place that denies any request because it is easier.

**I would appreciate the opportunity to speak directly to Council to represent myself.**

Boulevard Bylaw Part 7.7 “The Director may, but is not obliged to, issue an encroachment permit authorizing encroachments other than those described in Section 7.5, if the Director is satisfied that the encroachment complies with the conditions set out in Section 6.5...”

Boulevard Bylaw Part 7.5

7.5.2 In locations at least 2 m from the edge of the roadway, or such greater distance as may be required to maintain unobstructed access to water meters and ensure visibility at intersections, but not on a boulevard adjacent to the natural boundary:

- (a) Landscape berms between 0.6 and 1.2 m in height above adjacent grade;
- (b) Rocks or similar landscaping features between 0.6 and 1.2 m in height and up to 1.2 m in width, not forming a continuous wall; and
- (c) Mailbox and address pillars up to 1.5 m in height and 0.6 m in width.

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b) states the “Rocks or similar landscaping features between 0.6 and 1.2m (2 ft to 4ft) n height and up to 1.2m (4 ft) in width, not forming a continuous wall; and”

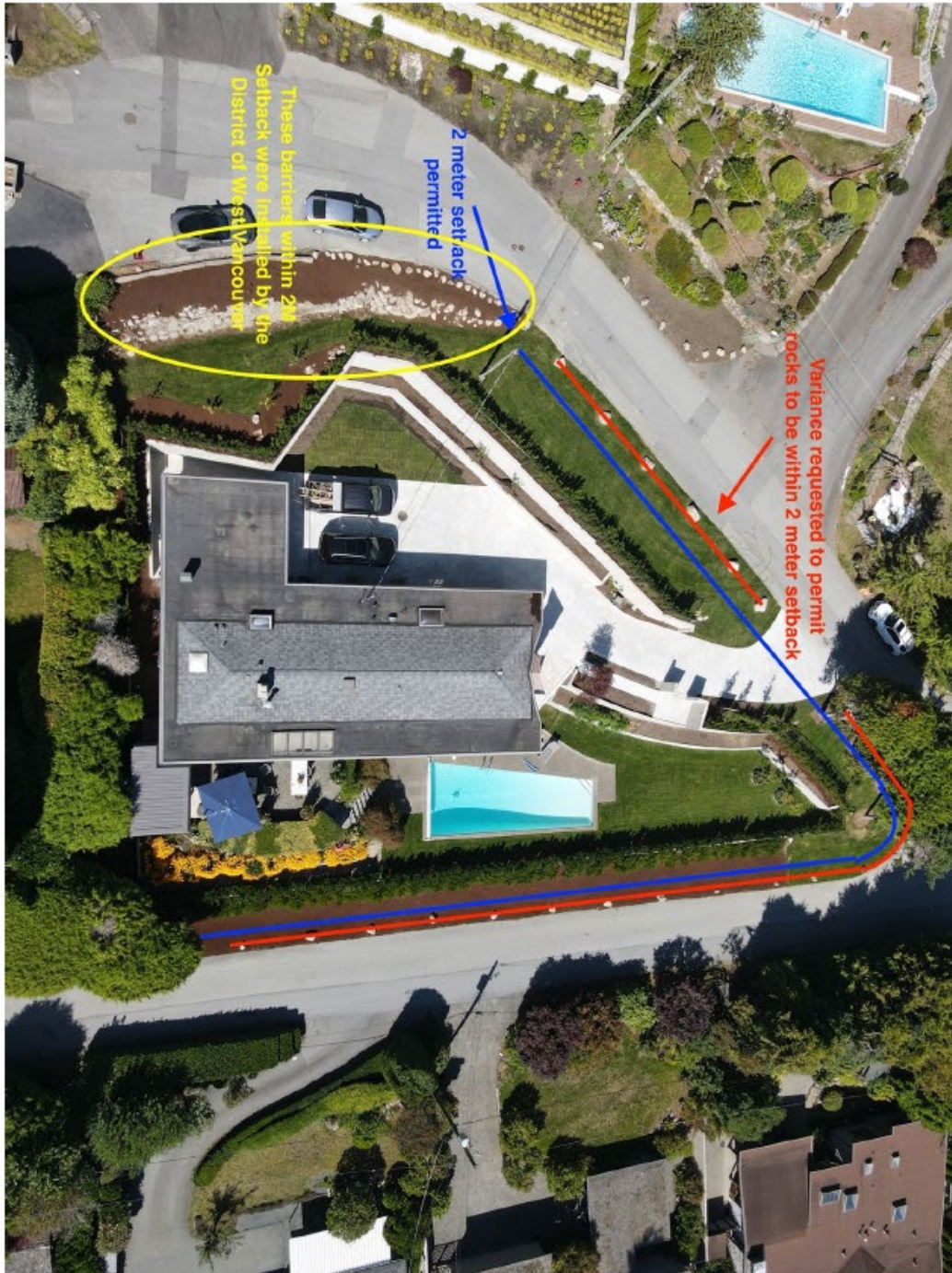
Note the rocks in question are all smaller than the 2-4ft height by 4 ft width noted above. Therefore, the Director can grant an encroachment permit.



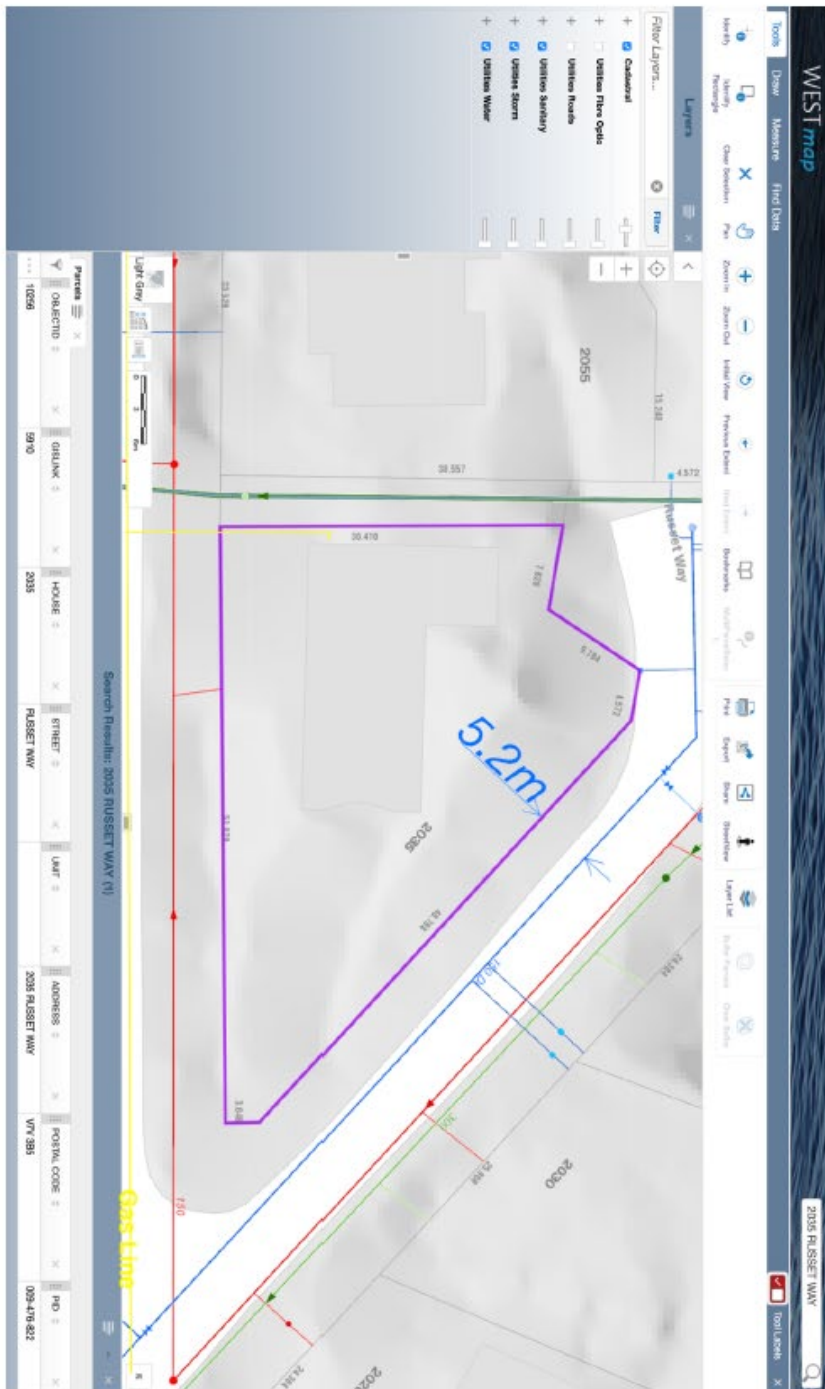


Part 7.7 also states "...encroachment is consistent with and contributes to the established character of the boulevard and the street of which it forms. The last photo attached below shows many homes have rocks along boulevard within the 2m setback in the neighborhood. This is consistent with the neighborhood and has been supported by all the neighbours. We have discussed the rocks with many of the neighbours and they all support vehicles not parking on boulevards causing damage.

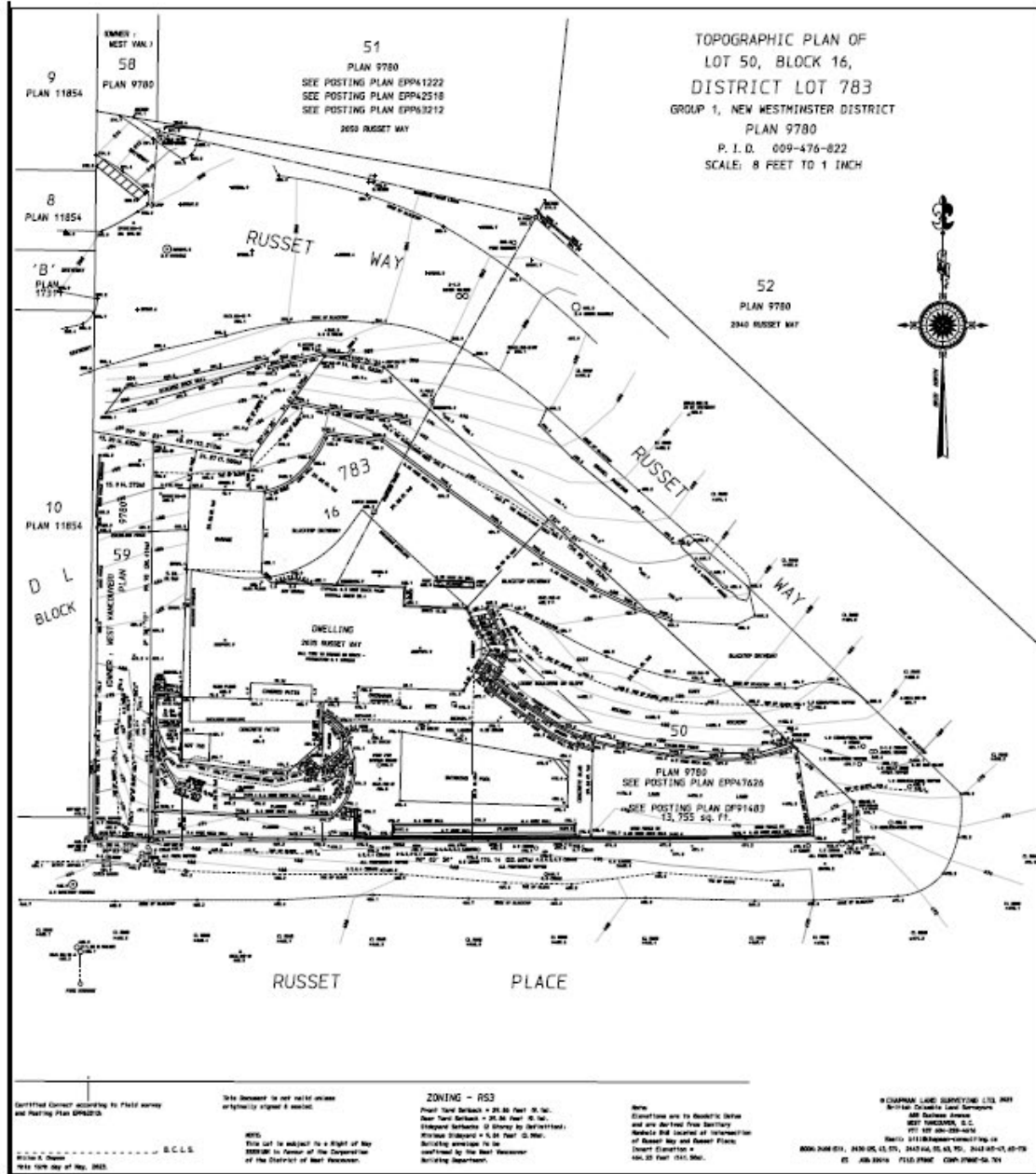
The area in Yellow in the photo below is not included in encroachment request as this is the District of West Vancouver Installation.

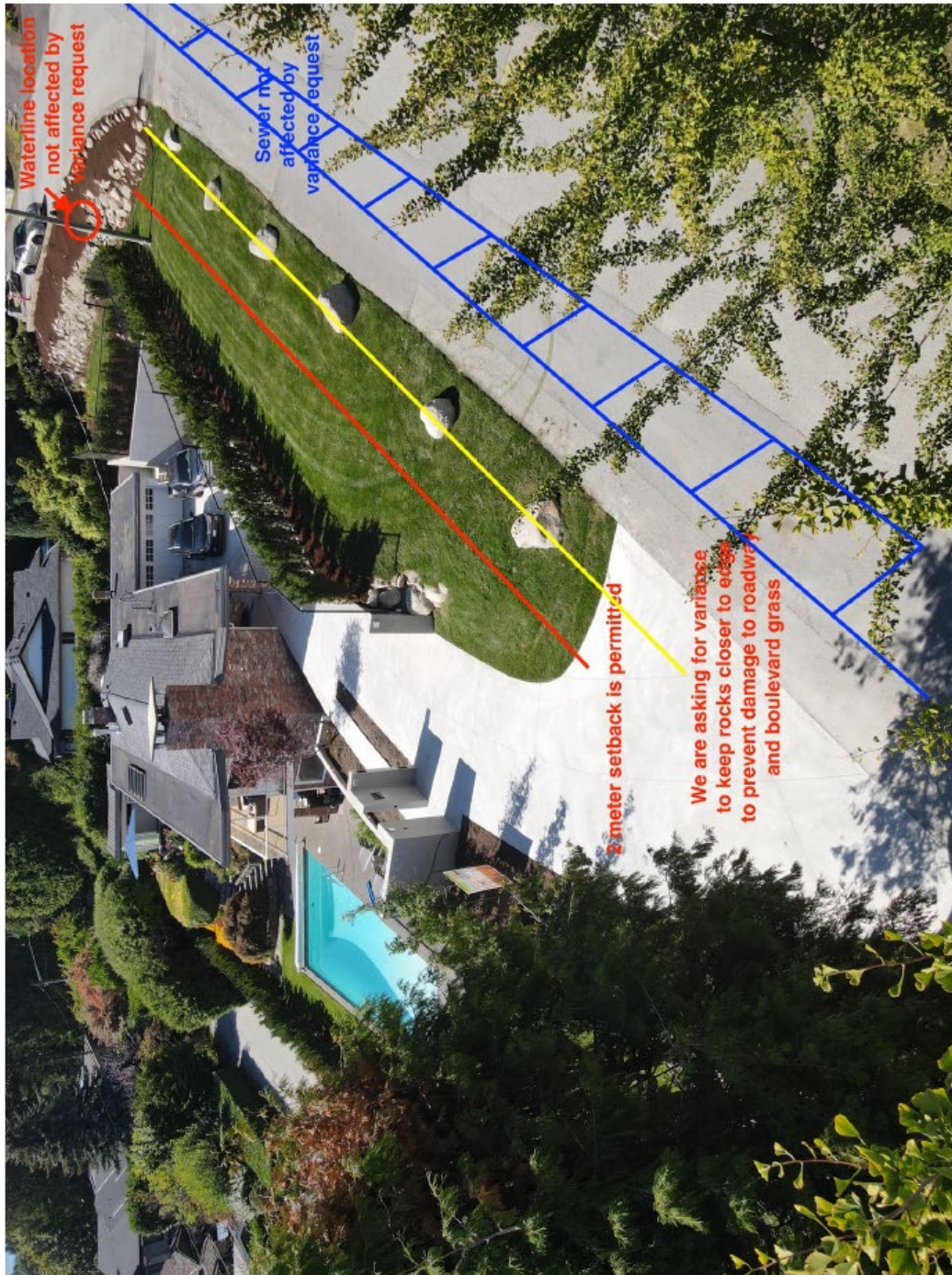


6.5.1 WestMap shows that the rock placement closer than 2-meters to roadway would not damage any utilities. In fact, due to the lack of curbs, the encroachment request would help keep cars from parking on top of the buried sanitary sewer line.



Topographic Map showing how the boulevard slopes towards retaining walls and house.







Current photo above after permitted work was completed to clean up around the house and along boulevard. Photo below showing improvement. We are only asking to set rocks within the 2M setback not remove them totally as they are permitted past the 2 meters.





Distance from road edge is being discussed asking for variance from 2m to 1m approx.



Existing barriers are zero feet from roadway, installed by District of WV not part of encroachment request



Vehicles parking close to road edge are damaging asphalt road edge.

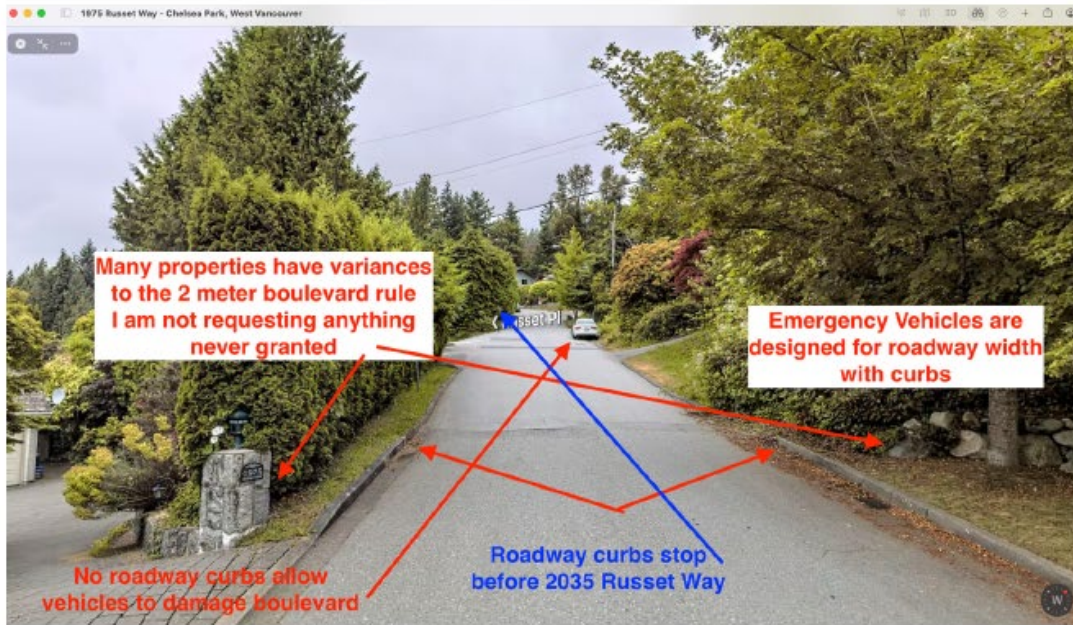


Damaged boulevard from vehicles parking on boulevard is causing erosion.

Steep slope on boulevard and no curbs to prevent road traffic from driving on boulevard would make the encroachment request reasonable.



Curbs are not installed along roadway they stop at 1975 Russet Way which is another reason to grant variance request – site condition warrants additional boulevard impediment barriers because of no curbs to prevent vehicles from leaving the roadway.



Date: July 21, 2025  
From: Eric Villeneuve, Land Development Manager  
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Statement of the decision that the applicant wishes Council to substitute for the original decision –

**Encroachment application has been accepted allowing rocks within the 2 meter boulevard setback.**