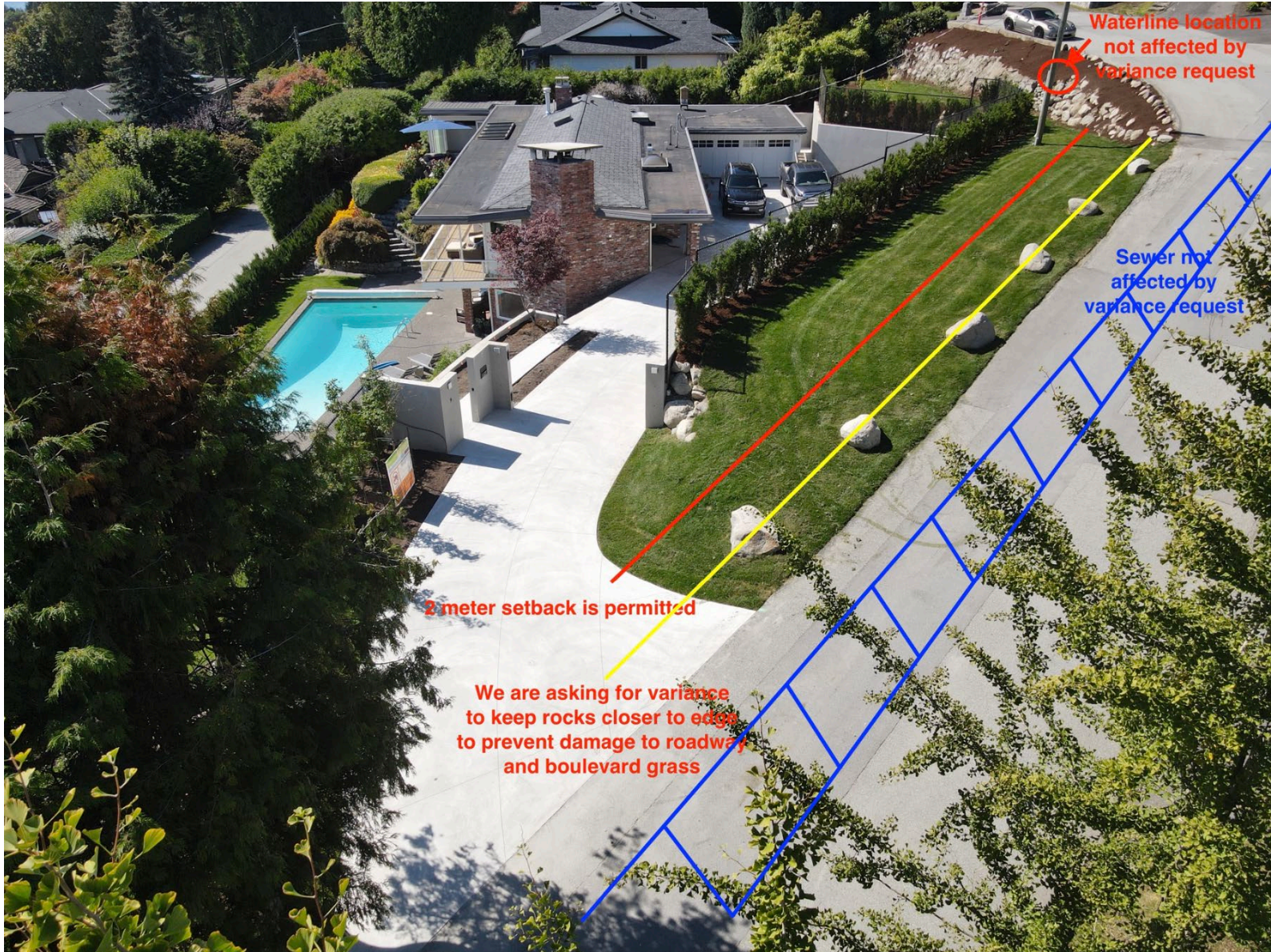


2035 Russet Way, West Vancouver, B.C.



Appeal of Denial of Encroachment Permit for rocks on the boulevard



May 5, 2025

File: BE000042

GREGORY ALAN COOMBS
SYLVIA MAGDA OLSON
2035 RUSSET WAY
WEST VANCOUVER BC V7V 3B5

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) within ten (10) calendar days of this decision being communicated to you.

Please include and copy: 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.

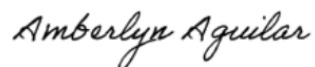
With this decision and in absence of a submitted appeal, you are required to:

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.

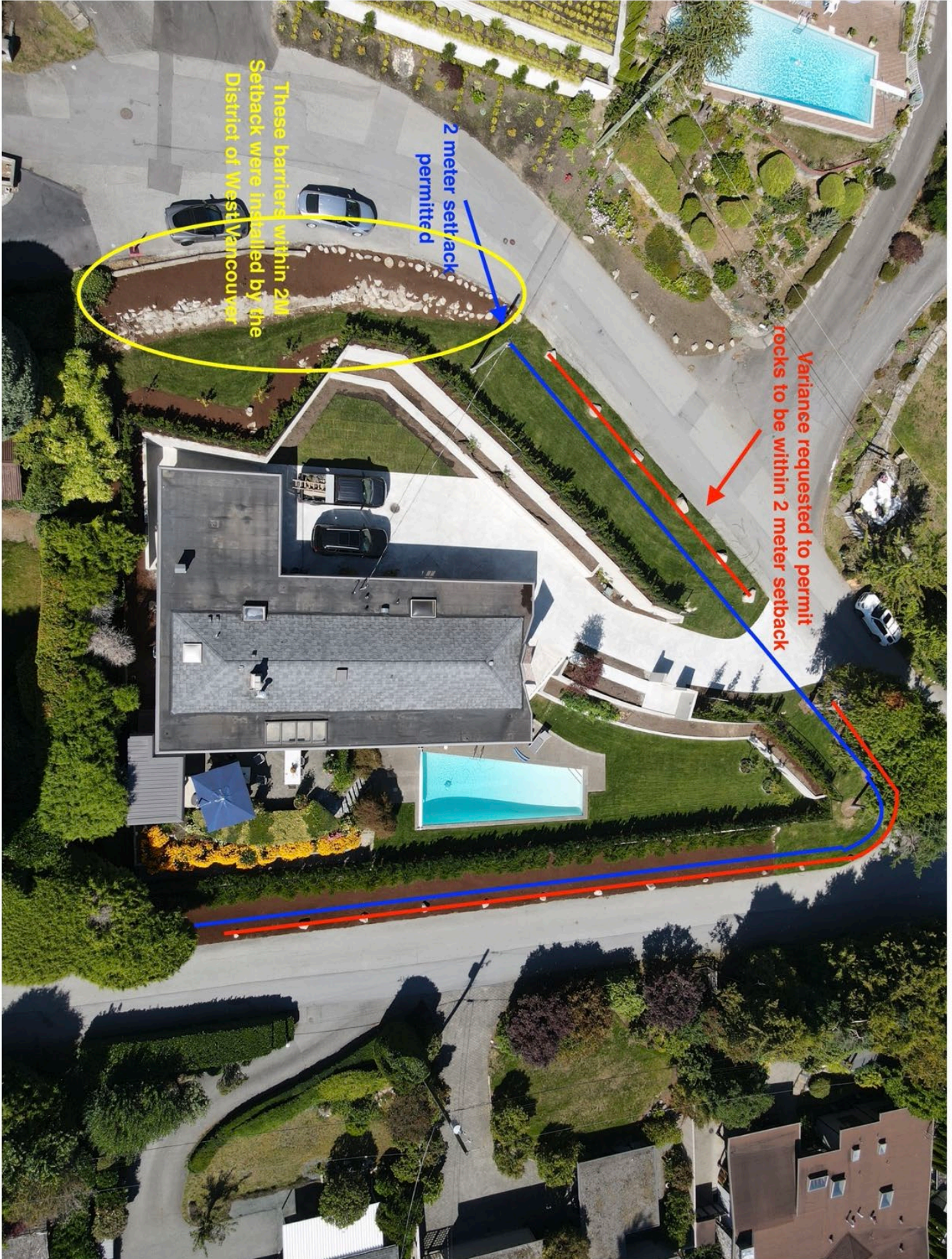
If you have any questions, please contact Cam Stel at 604-925-7159 or by email at cstel@westvancouver.ca.

Thank you,

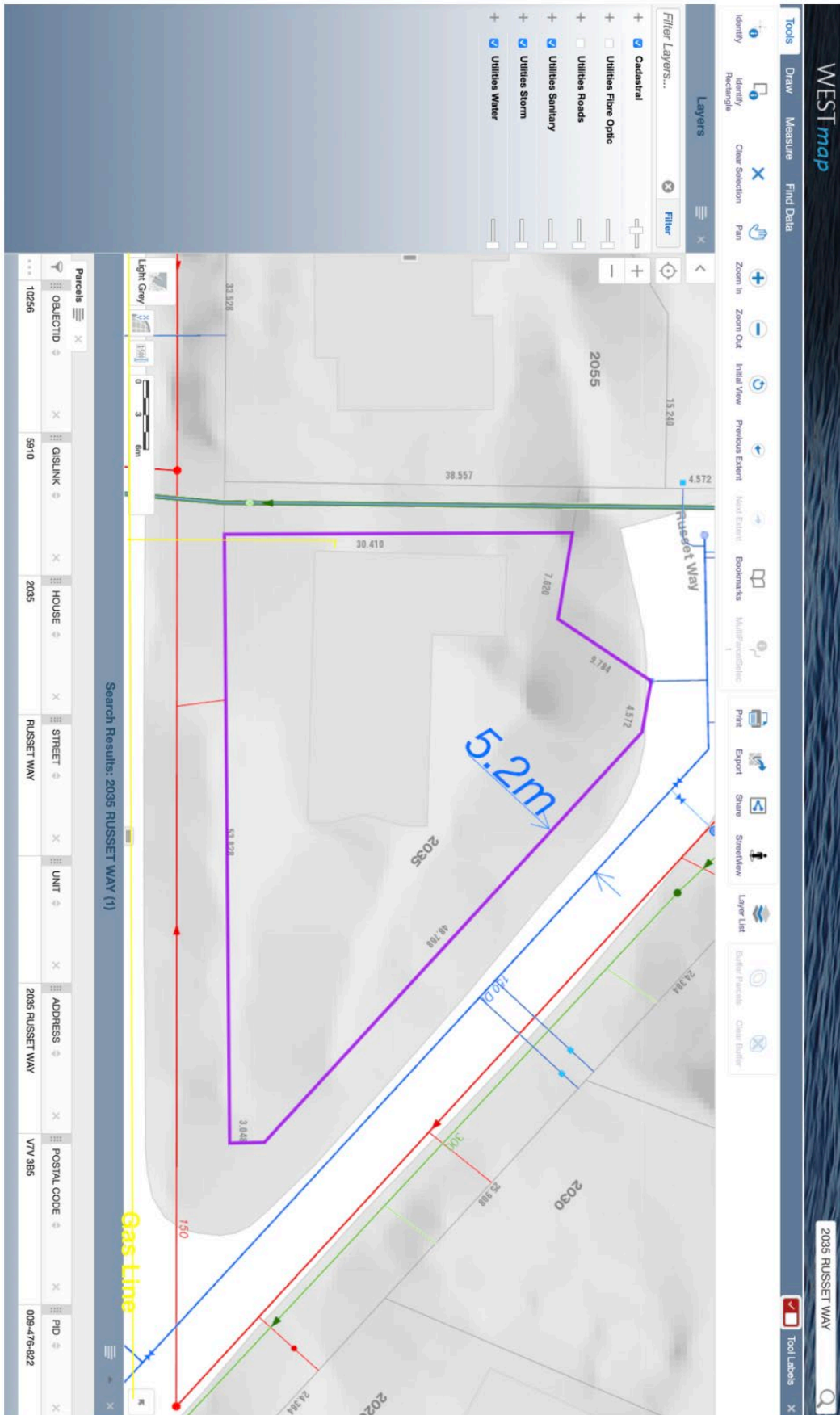


Amberlyn Aguilar
Land & Planning Clerk

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.





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

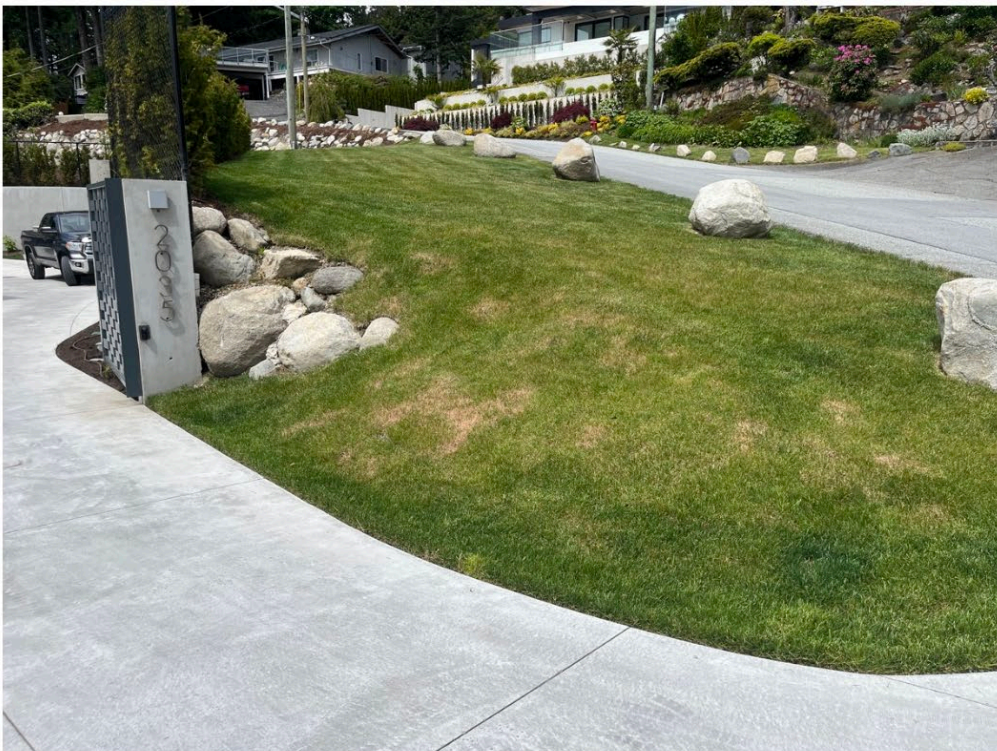


Vehicles parking close to road edge are damaging asphalt road edge.



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.

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



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.

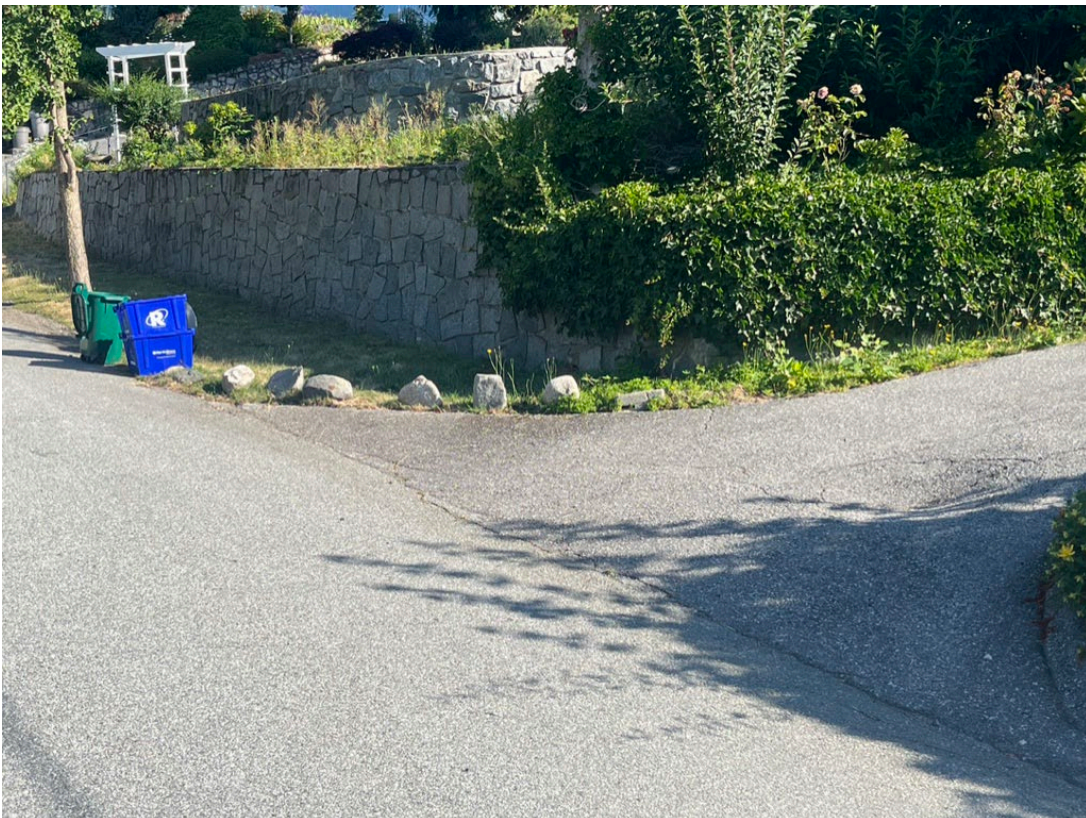
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b) states the “Rocks or similar landscaping features between 0.6 and 1.2m i(2 ft to 4ft) n height and up to 1.2m (4 ft) in width, not forming a continuous wall; and”

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.



District of West Vancouver parks department rocks along roadway by Ambleside Park



District of West Vancouver parks department rocks along Ambleside park by childcare.





Before



After



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.

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.