



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

COUNCIL REPORT

Date:	September 11, 2024
From:	Cam Stel, EIT, Land Development Engineer
Subject:	Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street
File:	06-1135-05-2024

RECOMMENDATION

THAT:

- 1) the decision by staff, as designated by the Director of Planning and Development Services, to deny the boulevard encroachment permit for a fence and river rock fully within District-owned public land and abutting 955 20th Street be upheld; and
- 2) the property owners be required to remove the fence and river rock from the public boulevard.

1.0 Purpose

To provide information to Council regarding staff's decision to deny a boulevard encroachment permit within District-owned public land and abutting 955 20th Street and confirm staff's decision that the fence and rocks be removed.

2.0 Legislation/Bylaw/Policy

Boulevard Encroachment Permits

The District's Boulevard Bylaw No. 5131, 2021 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 and Development 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 955 20th Street and is legally described as Lot 28, Block 6, District Lot 775, Plan 4155. The property is zoned RS5, approximately 496 m² in size with a two-storey, single-family home, and is situated at the corner of 20th Street and in between Gordon and Haywood Avenue; however, it is specifically closer to the unnamed laneway off of 20th Street (**Appendix A**).

The fence (**Figure 1**) is installed on the boulevard on the west side of 20th Street between the roadway and the property lines of 955 20th Street. There is also river rock forming a short wall along the base on the right side of the fence. The fence is made of wood, approximately 2.2 meters (7 ft 3 in) in height, 6 meters (20 ft) in length, measures approximately 1.4 meters (4 ft 7 in) away from the edge of the roadway and was originally installed in May 2024.



Figure 1: Current Fence Condition

The travelled road surface along this section of District highway allows for two lanes of travel, one in each direction, and is generally narrow with a width of roughly 6 metres. Native multi-stem trees and vegetation grow along the roadway. This portion of the boulevard contains utility infrastructure, including an underground water main that runs parallel with 20th Street approximately 0.6 metres (2 ft) from the erected fence, and a hydro pole with overhead electricity lines directly next to the erected fence and rocks.

5.1 Previous Decisions

Not Applicable.

5.2 History

On May 15, 2023, the property owner received a letter from engineering staff ordering the completion of hedge trimming of overgrown vegetation on the boulevard in front of their property along 20th Street due to sightline and visibility issues (**Appendix B**). The property owner completed the required trimming of the hedge and an inspection was conducted, satisfying the sightline and visibility issue.

In May 2024, the property owner constructed a fence and installed rocks on the boulevard without permits.

On May 23, 2024, land development staff sent a letter to the property owner requiring the removal of the fence from the boulevard due to contravention of the Boulevard Bylaw (**Appendix C**).

On June 7, 2024, the property owner submitted a Boulevard Encroachment Application to obtain permission from the Director to retain the fence and rocks on the boulevard (**Appendix D**).

On July 3, 2024, the request was denied by staff due to the installed fence and rocks failing to meet the criteria for an encroachment permitted by the Boulevard Bylaw (**Appendix E**).

On July 16, 2024, the property owner sent their application for reconsideration to the Municipal Clerk (**Appendix F**). Pursuant to the Bylaw, the property owner is now appealing to Council to reverse the decision of the Director and have Council issue an encroachment permit to retain the fence and rocks in its current location on the boulevard.

6.0 Analysis

6.1 Discussion

Part 5 of the Boulevard Bylaw 5131, 2021 specifically outlines permitted landscaping on Boulevards under the following applicable condition:

"5.2 No person shall improve any boulevard in such a way as to:

5.2.1 Interfere with access to, bury, expose or damage any pipe, hydrant, valve box, service post, manhole or other utility infrastructure."

The Director may issue a Boulevard Encroachment Permit for certain types of encroachments outlined in Part 7 of the Boulevard Bylaw 5131, 2021. Section 7.7 allows the Director to issue an encroachment permit under this part 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:

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

The installed fence and river rock do not meet the criterion of section 5.2.1 or 6.5.1 as they interfere with access to the underground water main, hydro pole and overhead distribution lines. The water main is located west of the fence and hedges, rendering the main not easily accessible without the complete removal of the fence.

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 decision of staff on behalf of the Director of Planning and Development Services to deny the proposed boulevard encroachment permit for a constructed fence and river rock fully located within District-owned public land and abutting 955 20th Street be upheld; and
- 2) the property owners be required to remove the fence and river rock from the public boulevard.

8.0 Conclusion

The owners of 955 20th Street applied for an Encroachment Permit to retain the constructed fence and installed rocks. The encroachments are fully located within District-owned public land. The encroachments are noncompliant with the criteria outlined in District Bylaws and interferes with the maintenance and of District utilities. As such, the application was denied by staff on behalf of the Director of Planning and Development Services. In accordance with the District's Boulevard Bylaw No. 5131, 2021, an applicant may pursue an avenue for appeal of the decision.

Author:



Cameron Stel, EIT
Land Development Engineer

Concurrence:



Eric Villeneuve, P.Eng.
Manager of Land Development

Appendices:

A – Context plan, aerial image (fence location highlighted in yellow) and existing fence in the public boulevard.

B – District Letter ordering the trimming of overgrown vegetation on the boulevard dated May 15, 2023

C – District Letter ordering removal of encroachment on the boulevard dated May 23, 2024

D – Owner's Boulevard Encroachment Permit Application dated June 7, 2024

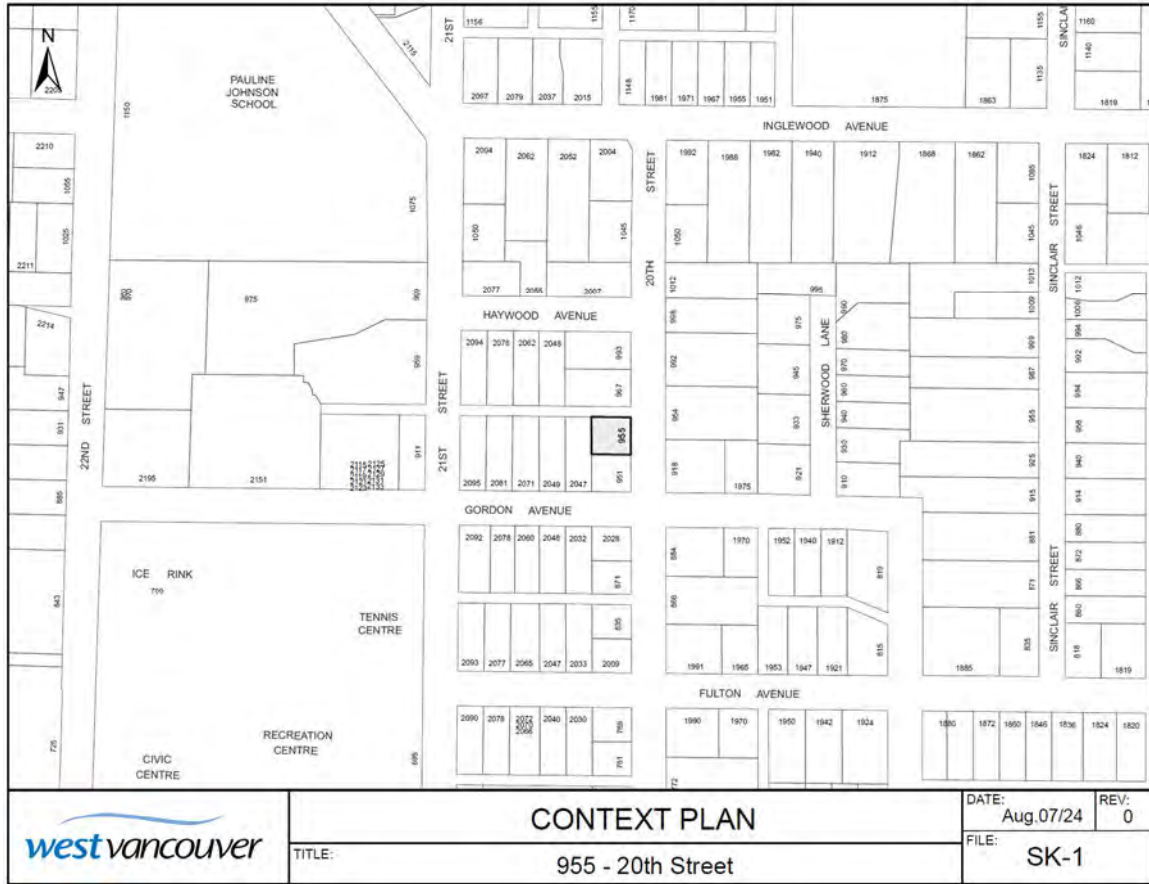
E – District Letter denial of Boulevard Encroachment Permit Application by staff dated July 3, 2024

F – Owner's letter and supporting documentation requesting Council to reconsider application dated July 16, 2024

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APPENDIX A





Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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APPENDIX B

ENGINEERING & TRANSPORTATION
3755 Cypress Bowl Road West Vancouver BC V7S 3E7
t: 604-925-7108 | e: engineeringdept@westvancouver.ca



This is an important notice. Please have someone translate.

这是一份重要的市政通知，请找人帮您翻译。 | 이것은 시청에서 보내는 중요한 통지입니다. 다른 사람에게 번역을 부탁하여 읽으십시오.
این یک اطلاعیه مهم شهری است. لطفاً از کسی بخوانید که آنرا ترجمه کند.

May 15, 2023

File: M-106450

LESLEY ANN HOBBS
MICHAEL JOHN HOBBS
955 20TH STREET
WEST VANCOUVER BC V7V 3Z2

Dear Resident:

RE: Overgrown Vegetation and Encroachment

You are receiving this notice because the District has been notified of a public safety concern regarding overgrown vegetation adjacent to your home. This vegetation is impeding vehicle sightlines, pedestrians, service and/or emergency vehicles and requires immediate attention.

To ensure compliance with the District's Boulevard Bylaw No. 4886, 2016, please trim vegetation on the District Boulevard.

For your convenience, we have included a drawing below that identifies the vegetation that must be kept trimmed and maintained throughout the year.

Please make every effort to complete this work within 21 days from the date of this letter. If you can not complete the trimming within 21 days, please contact the Engineering Department at 604-925-7020 or dispatch@westvancouver.ca to let us know when the trimming will be done.

Sincerely,

A handwritten signature in black ink, appearing to read 'MG'.

MG Park
Engineering Assistant II, Roads & Transportation

cc:
Engineering Dispatch


westvancouver

Municipal Hall | 750 17th Street West Vancouver BC V7V 3T3 westvancouver.ca
main reception | t: 604-925-7000 f: 604-925-5999 e: info@westvancouver.ca


5627320v1

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

westvancouver District of West Vancouver



Legend

-  Please trim the highlighted vegetation.

Notes

APPENDIX C

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



May 23, 2024

HOBBS, LESLEY ANN
HOBBS, MICHAEL JOHN
955 20TH STREET
WEST VANCOUVER BC V7V 3Z2

Dear Property Owner:

RE: 955 20TH STREET – UNPERMITTED FENCE IN THE BOULEVARD

District staff have been notified about the construction of a fence on the boulevard at the subject property. This structure is not permitted and requires immediate removal from the municipal boulevard. Photos of the fence and an aerial view of its location are attached for reference.

Please note that this is in direct contravention of Boulevard Bylaw No. 4886, 2016:

“6.3 No person shall, except as authorized by an Encroachment Permit under this Bylaw or a crossing permit under the Driveway Crossings Bylaw, excavate in, construct or maintain any building, structure, or physical object on a boulevard.”

An Encroachment Permit can not be issued as the below condition are not met.

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

6.5.3 “does not restrict public access to any public place

Any fence must be within property lines only and cannot be on municipal property as it does not meet the conditions under Section 6 for an encroachment as listed:

6.5.6 Is of a semi-permanent nature and may be easily removed;

6.5.7 Is not necessarily for the exclusive benefit of the owner of the real property to which the encroachment is adjacent to in the opinion of the Director; and

In order to conform to the District's policies and Bylaws, you are required to:

1. Immediately, and permanently, remove the fence from the boulevard.

Removal is required no later than by June 13, 2024.

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5731381v1



Municipal Hall
main reception

750 17th Street West Vancouver British Columbia V7V 3T3
t: 604-925-7000 e: info@westvancouver.ca westvancouver.ca

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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



Failure to comply by the above date will result in tickets issued for contravention of the Boulevard Bylaw No. 4886, 2016:

- Section 6.3 Unauthorized construction on boulevard;
- Section 10.1.4 Failure to comply with order under Section 5.7

Continuous failure to remove this fence in the boulevard may result in the issuance of additional tickets and/or enforcement action, as well as additional contravention of Boulevard Bylaw No. 4886, 2016:

"5.10 If an owner fails to comply with a notice given under Section 5.9, the District may carry out the maintenance or removal at the cost of the owner, and may recover the cost from the owner as a debt with interest at the rate of 6% a year compounded annually."

If you would like to discuss this matter further, please contact Toby Rogers at 604-913-2722 or at trogers@westvancouver.ca.

Thank you,

Amberlyn Aguilar

Amberlyn Aguilar
Land & Planning Clerk

Att. Unpermitted Fence and Aerial View of Location at 955 20th Street circa May 2024

cc. Toby Rogers, Land Development Specialist
Bylaw Services

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750 17th Street West Vancouver British Columbia V7V 3T3
t: 604-925-7000 e: info@westvancouver.ca westvancouver.ca

5749923v1

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



Unpermitted Fence and Aerial View of Location at 955 20th Street circa May 2024



5731381v1



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5731381v1



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main reception

750 17th Street West Vancouver British Columbia V7V 3T3
t: 604-925-7000 e: info@westvancouver.ca westvancouver.ca

APPENDIX D

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: _____

TO BE FILLED OUT BY APPLICANT

INTERNAL STAFF ONLY

MICHAEL JOHN HOBBS & WESLEY ANN HOBBS

print owner's full name

date received

955 20th St, W. Van V7V 3Z2

owner's s. 22(1)

by

owner's phone number

955 20th St, W. Van V7V 3Z2

application type:

- minor encroachment (complies with Council policy)
- major encroachment (requires Council approval)

address of property adjacent to proposed encroachment location

legal description of property adjacent to proposed encroachment location

Lot 28 Block 6
 District lot 775 Plan 4155

optional: if third party to correspond on your behalf, please provide their contact information below

N/A

print primary contact's full name

N/A

contact's company name

N/A

contact's address

N/A

contact's cell number

contact's phone number

contact's fax number

contact's email

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

- 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.

I/We hereby agree to the terms contained in this application form.

M. J. HOBBS & L. A. HOBBS

955 20th St, W. Van V7V 3Z2

signature s. 22(1)

applicant address: date: *Michael Stel, June 7th 2024*

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.

#3913655



Municipal Hall
 main reception

750 17th Street West Vancouver British Columbia V7V 3T3
 604-925-7000 info@westvancouver.ca

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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Encroachment permit

Lesley and Mike Hobbs
955 20th Street
West Vancouver, V.7V 3Z2

June 7th, 2024

Attn: Ms. T. Rogers
Planning and Development Services
750 17th Street
West Vancouver V7V 3T3

Re: Application for an Encroachment Permit - 955 20th Street

Please find attached Encroachment Application dated June 7th, 2024. This application is made in accordance with Boulevard Bylaw No. 4886, dated April 20th, 2016. The clauses in this bylaw are referred to in the following letter, which provides background information in support of the application.

We moved into the above referenced property approximately 10 years ago. On May 15th, 2023 we received a letter from Engineering Assistant M.G. Park requesting that we trim back overgrown vegetation - a hedge - noted as an impediment to sight lines. A copy of the photo from Mr. Parks clarifying the extent of the trimming is attached. The hedge was trimmed back one week after receipt of this letter.

The trimming of the roadside face of the hedge left it looking very unsightly - ref. photo attached. We left it for a year in the hope that it would grow back, but to no avail. On March 30th, 2024 Lesley had a conversation with District employee, Amelia Sponza, who was supervising boulevard work on the house opposite ours - 954 20th Street. The possibility of building a fence to conceal the unsightliness of our trimmed hedge was discussed and Amelia advised that we would not need a permit for the 20'0" of fence that would be required. The fence would run along approximately 1/3 of our street frontage and be inline with the hydro pole and trimmed back hedge specified in Mr Parks' letter. We then proceeded to have the fence installed, to a height of 1.8m.

Cl. 6.5 of the bylaw sets out the conditions under which the fence could be permitted. The following would seem relevant:

6.5.1 - Interference with utility infrastructure. The existence of the hydro pole aligned with the fence and the fact that the fence has been installed confirms that there is no conflict with existing services. As shown on drawings provided by the District, it seems that a water main is the only underground infrastructure running along this portion of the boulevard. The drawings indicate that main runs 2'0" west of and parallel to the fence/hydro pole.

Date: September 11, 2024
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6.5.5 - Obstruction of sight lines from the lane on the north boundary of our property. The fence is located along the sight line determined as acceptable by Mr. Parks in his 2023 letter.

6.5.8 - Beautification of the property. The only purpose motivating us to erect the relatively costly 20'0" length of this fence was the beautification of this portion of 20th Street after we trimmed back our hedge. We believe this has been achieved, ref streetscape photo attached.

We now understand the necessity of an Encroachment Permit for the fence and apologise for proceeding with its' construction without first verifying the need for the permit. We trust this application will receive your sympathetic consideration.


Regards

Lesley and Michael Hobbs.

s. 22(1)



west vancouver



Legend
Please trim the highlighted vegetation.

Done
18 inches
19.5"

Notes

0.5m

Please trim all vegetation back 0.5m from the edge of the pavement.

REQUEST FOR TRIMMING HEDGE - MR. PARKS LETTERED
MAY 15, 2023

Hedge and Fence Photos - 955 20th Street, West Vancouver



Figure 1: Hedge one year after trimming; hedge is failing to regenerate.

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street



APPENDIX E

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



July 3, 2024

HOBBS, LESLEY ANN
HOBBS, MICHAEL JOHN
955 20TH STREET
WEST VANCOUVER BC V7V 3Z2

Dear Property Owner:

RE: 955 20TH STREET – BOULEVARD ENCROACHMENT APPLICATION FOR UNPERMITTED FENCE

District staff have received the Boulevard Encroachment Application and dimensions for the three installed rocks on municipal property at the subject address. Based on the review, the fence on the boulevard do not meet the criteria in Part 5 and Part 7 for an encroachment permit of the Boulevard Bylaw No. 4886, 2016.

Specifically, regarding Section 5.2 of the Bylaw, the following criteria has not been satisfied:

"5.2 No person shall improve any boulevard in such a way as to:

Interfere with access to, bury, expose or damage any pipe, hydrant, valve box, service post, manhole or other utility infrastructure;

In relation to Part 7 of the Bylaw, the structure does not meet the criteria for an encroachment listed under Section 7.5 and do not meet the following compliance conditions:

"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."

District staff are not able to issue a permit due to the above and the two unpermitted rocks referenced in the photo below will require immediate and permanent removal from the municipal boulevard in accordance with the Boulevard Bylaw no later than by July 23, 2024.

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5741411v1



Municipal Hall
main reception

750 17th Street West Vancouver British Columbia V7V 3T3
t: 604-925-7000 e: info@westvancouver.ca westvancouver.ca

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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



Under Section 5.9, failure to complete the removal within 21 days of this letter will result in this matter being forwarded to the Bylaws Department for the contravention of unauthorized construction and failing to comply with the order of the Director.

If you would like to appeal this decision to Council, an application for reconsideration must be made in writing to the Municipal Clerk (Pascal Cuk – pdruk@westvancouver.ca) within 10 days of this decision being communicated to you, or by July 11, 2024. It 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 the Council to substitute for the original decision, the applicant's reasons for requesting a reconsideration, and the application fee specified in the Fees and Charges Bylaw. If you elect to pursue Council reconsideration, the District will not enforce the above order until a final decision has been made on the application.

Please note District staff will recommend against Council providing permission to retain the fence on municipal property at 955 20th Street due to the following reasons as listed above and summarized below:

- Does not meet the criteria of Part 5 of the Boulevard Bylaw No. 4886, 2016 and encroachment without a permit is not applicable.
- Does not meet the criteria of Part 7 of the Boulevard Bylaw No. 4886, 2016 and encroachment without a permit is not applicable.

Thank you,

Nina Cheema

Nina Cheema
Assistant Land Development Technician

Att.

cc. Toby Rogers, Land Development Specialist
Bylaw Services, West Vancouver

For Reference: Unpermitted Fence on Municipal Property at 955 20th Street circa May 2024

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5741411v1



Municipal Hall
main reception

750 17th Street West Vancouver British Columbia V7V 3T3
t: 604-925-7000 e: info@westvancouver.ca westvancouver.ca

5749923v1

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

PLANNING & DEVELOPMENT SERVICES
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T: 604-925-7055 F: 604-925-6083



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main reception | t: 604-925-7000 e: info@westvancouver.ca westvancouver.ca

5741411v1

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Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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APPENDIX F

You sent this
Today at 1:38 PM

RECEIVED
JUL 16 2024
DWW
LEGISLATIVE SERVICES

Follow Up...

Appeal for Unpermitted fence, 955 20th Street, West Vancouver

Hi Pascal

As mentioned in my previous email, I received your rejection of my application for an encroachment permit on July 8th. I confirm that I would like to appeal this decision to council. The information to attach to this appeal is described in your letter. In view of the bulk of the information and my inability to scan same, I will today hand deliver this portion of the appeal application.

The information that was requested by you is as follows:

1. The original encroachment permit application dated 07.06.24, together with its' supporting documentation
2. A copy of the District's decision/rejection, dated 03.07.24.
2. A statement of the decision, dated 16.07.24, that I wish the council to substitute for your original decision.
3. The reasons for requesting a re-consideration, dated 16.07.24.
4. A cheque for \$2,100.00 - the appeal application fee, ref. folder BE000028.

I look forward to hearing from you in due course.

Regards

Mike Hobbs

Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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Unpermitted fence - 955 20th Street

16.07.24

Statement of the decision that the applicant wishes the Council to substitute for the original decision by Planning And Development Services:

"Council hereby instructs the Director to issue an encroachment permit for the 20'0" length of fence erected on a portion of the frontage of 955 20th Street and the two unpermitted rocks, both referred to in Planning and Development Services letter dated July 3rd. 2024."

Reconsideration of permit for a Fence - 955 20th Street.

16.07.24

Lesley and Michael Hobbs, are owners of the above referenced property and are applicants for an encroachment permit for a 20'0" length of fence erected on a portion of the street frontage of their property. The reason for erecting the fence was, in compliance with a District request in May 2023, the hedge on the boulevard was cut back to improve sight lines. A year later the hedge was still unsightly as no new growth had appeared. The fence was our attempt to beautify our street frontage and was erected in May 2024 after receiving verbal confirmation from District employee Amelia Sponza that a permit was not required. Before and after photos are attached. Subsequently the District advised that a permit was required and an encroachment application was duly submitted on June 7th 2024.

The encroachment application was rejected by the District, ref. Planning and Development Services letter dated July 3rd. - received July 8th. The only reason given for rejecting the issue of the permit dealt with potential interference of any utility infrastructure - in this context two installed rocks at the base of our hydro pole were mentioned as well as the fence.

The two rocks referred to were placed by my wife, Lesley, to hold a bag of landscape soil to make possible the planting of catnip plants to match those on the other side of the lane, which together serve to beautify the lane entrance from 20th. Street. They do not interfere with access - garbage trucks are the largest vehicles to enter the lane and they have done so for years with no problems.

Other than the hydro pole carrying electricity to the house, the only utility in the boulevard is a single water line running the length of 20th Street. The fence is in place, so clearly has had no impact on the water line. I cannot imagine that any work is planned on the water line in the foreseeable future. If such work is done in the future that impacts the 20'0" portion of the line alongside the fence, then the fence can be removed by us in approximately two hours. The District has the right to issue such an instruction for the fence removal even if an encroachment permit has been issued.

We would mention that there are several examples of fencing installed on the boulevard on 20th. Street that are located in line with ours. We also attach a statement signed by s.22(1) neighbours, all of whom support retaining the fence in its' current location. Also in favour, is a signed list of other residents of the street as well as numerous dog walkers and other passers by who regularly walk past our property.

Finally, we note that in the District's initial letter dated May 23rd. 2024 they advised that they had been notified - i.e. received a complaint - about the fence. This original complaint was from s. 22(1) s.22(1) who lives at s.22(1) in other words, not on 20th Street. s. 22(1) has a long history of harassing people in the neighbourhood, all of which is described in letters to Ms. Toby Rogers, Land Development, dated May 28th. and 31st. 2024, copies of which are also attached. 2.

5749923v1



Date: September 11, 2024
From: Cameron Stel, EIT, Manager of Land Development
Subject: Appeal of Director of Planning and Development Services' Denial of an Encroachment Application for a Fence at 955 20th Street

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Fence encroachment, 955 20st. West Vancouver.

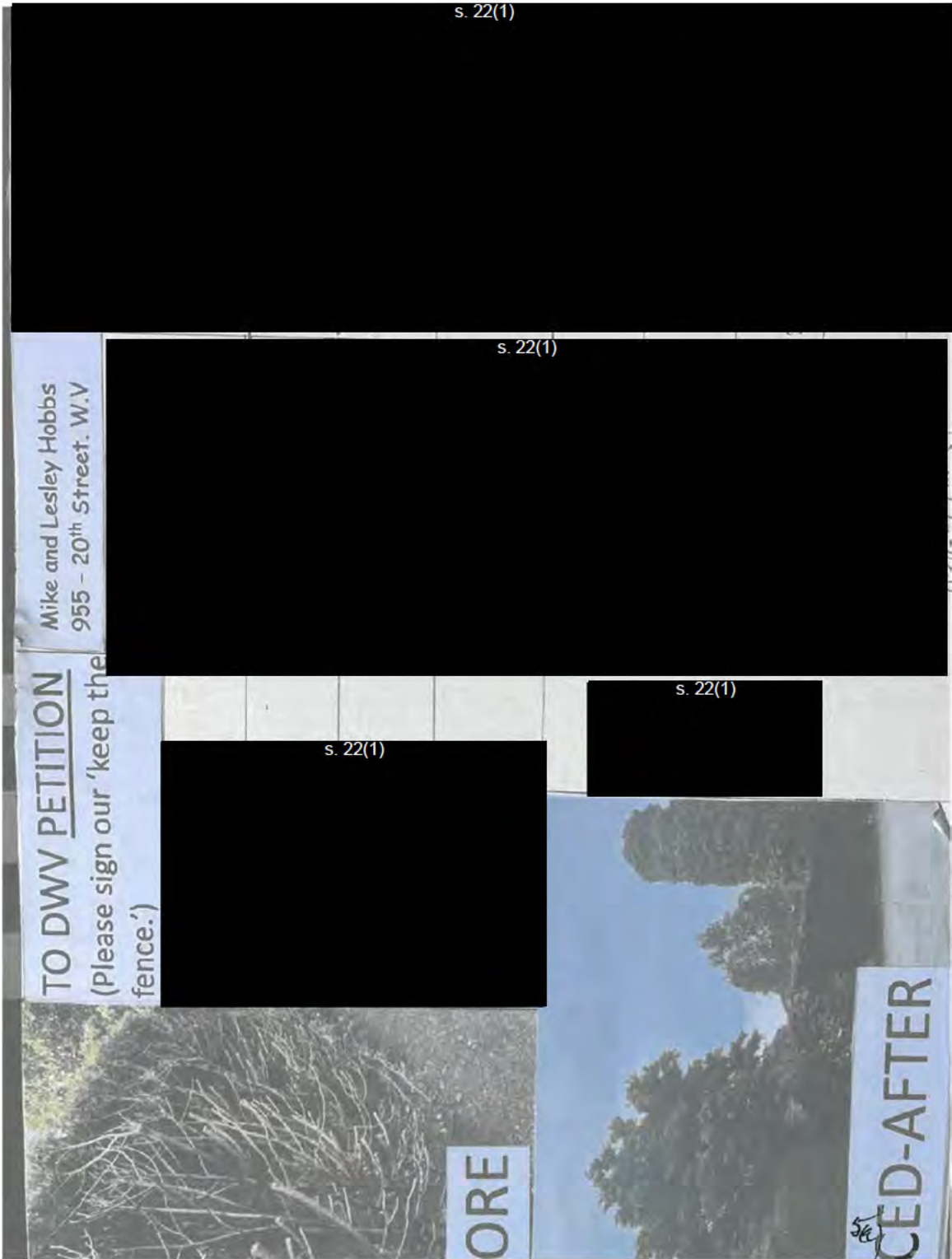
Endorsement from immediate neighbours:

We the undersigned, are s.22(1) neighbours to Lesley and Mike Hobbs, owners of the above referenced property. We confirm that we are in favour of an encroachment permit being issued for the unpermitted fence erected on a portion of the street frontage of that property. The purpose of the fence being to conceal the unsightly nature of the pruned back hedge behind the fence, that pruning being carried out in May 2023, at the request of the District, to improve sight lines.

1. s. 22(1)
s. 22(1)

2. s. 22(1)
s. 22(1)

3. s. 22(1)
s. 22(1)



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From: Cameron Stel, EIT, Manager of Land Development
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Lesley and Mike Hobbs
955 20th Street
West Vancouver V7V 3Z2
s. 22(1)

May 28, 2024

Dear Ms. Rogers
Planning and Development Services
750 17th Street
West Vancouver V7V 3T3

Re: Land and Planning Letter, May 23rd, 2024

We moved into the above referenced property approximately 10 years ago. On May 15th, 2023, we received a letter from Engineering Assistant M.G.Park requesting that we trim back overgrown vegetation as it was noted as an impediment to sight lines. A drawing was attached, by M.G.Park, to clarify the extent of the trimming required. We complied within a week - the hedge was trimmed as requested.

After trimming the roadside face of the hedge was unsightly, ref. photo attached. We left it for a year in the hope that it would grow back but to no avail. We note that the inside face of the hedge was unaffected by the trimming and, as shown in the attached photo, provides an attractive backdrop to our garden and provides privacy to our front patio.

On March 30th, 2024, Lesley had a conversation with a city official - Amelia Sponza - who was supervising boulevard work on the house opposite ours at 954 20th. Street. The unsightliness of our trimmed hedge was discussed and the possibility of improving the street scape by building a 20'0" length of fence to conceal the unsightly front face of the hedge. Amelia advised that we would not need a permit for installation of the fence, but that it should simply comply with the 1.8m height requirement. We then proceeded to have the fence installed along the

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sightline as specified by M.G. Park and have since received numerous appreciative compliments on the new fence from neighbours and regular dog walkers on the street.

If we had applied for a permit prior to the installation of the new fence I am of the opinion that it would have been approved as our fence is similar to other such structures in the immediate vicinity and does not, as far as we can determine, appear to be in conflict with any of the restrictions set out in the Boulevard Bylaw detailed in your letter dated May 23rd 2024.

We suspect that your letter was triggered by a complaint from [REDACTED] s. 22(1) [REDACTED] s. 22(1) who resides at [REDACTED] s. 22(1) [REDACTED] s. 22(1) has a long history of harassing neighbours; we have attached a schedule detailing this harassment. The District of West Vancouver will likely also have at least some of these incidents of harassment on file, as do the West Vancouver Police Dept.

It seems a shame to remove a newly installed short length of fence along a portion of our front yard, seemingly in response to yet another instance of harassment by [REDACTED] s. 22(1) [REDACTED]. We therefore respectfully request that you please consider retroactively issuing a permit as we now understand a permit was necessary for installation of this fence.

We apologize for creating this situation and look forward to hearing from you in due course.

Yours faithfully

Lesley and Mike Hobbs

s. 22(1)

West Vancouver

A partial history of neighbourhood harassment by s. 22(1)

1. Against Mike and Lesley Hobbs, 955-20th Street, s. 22(1)

- a) Approximately 8 years ago while 955 was tenanted but owned by us, Lesley left her car in the lane outside our garage whilst she ran inside our property for several minutes to check on some 'bear' damage to our backyard gate. When she came out, the car together with handbag and personal items had gone. It transpired s. 22(1) had driven the car around to the front of our property and parked on the street. The car was left unlocked and unattended.
- b) In 2015 whilst workmen were installing a concrete patio in our rear yard, unknown to us, s. 22(1) entered our property and coerced one of the workmen to s. 22(1) yard and do some work for s. 22(1)
- c) Just prior to the Covid epidemic, for some unknown reason s. 22(1) decided to barricade the lane entry to our garage. We asked s. 22(1) remove the barricade but were met with shouted obscenities. We called the police who went inside s. 22(1) to advise her that what she had done was illegal and would have to be removed. The policeman came back to us after meeting with her and advised that he suspected s. 22(1) and was in any event inebriated. A police file was opened after this incident. The municipality became involved to remove the barricade and the Bylaw Department should have a file on this.
- d) During the construction of the fence, now under discussion, s. 22(1) came onto 20th Street shouting obscenities and attempted to remove a freshly concreted fence pole only just set in the ground by the Contractor. We called the police who again advised s. 22(1) actions were illegal.

2. Against s. 22(1)

- a) s. 22(1) decided to replace the old fence between her front yard s. 22(1) s. 22(1) After the new cedar fence was installed, s. 22(1) objected to its design and coerced s. 22(1) to replace her newly installed 'fence' with a picket fence.
- b) To prevent soil erosion, s. 22(1) built a small retaining wall on her property s. 22(1) s. 22(1) subsequently attempted to demolish the wall. Another neighbour had to intervene as both of the above were screaming at each other and seemingly close to physical assault. The retaining wall remains in place.

3. Against s. 22(1)

- a) s. 22(1) objected to the grass strip running alongside the side fence of s. 22(1) rear yard - s. 22(1) it was "untidy". In order to placate s. 22(1) had a Contractor dig up the strip and lay down plastic/canvas with a covering layer of river rock.

4. s. 22(1)

- a) During the construction of their new home, whilst tenating ours in 2013, s. 22(1) s. 22(1) constantly interfered with the progress of the work. In order to placate her and stop the interference, s. 22(1) an extensive wooden deck s. 22(1)
- b) After s. 22(1) family had moved in, s. 22(1) s. 22(1) These were visible by s. 22(1) s. 22(1) In order to again placate s. 22(1) installed up and down blinds in s. 22(1) bedrooms at a considerable cost.

5. Conclusion.

There are numerous instances of less significant harassment against her neighbours by s. 22(1) e.g. complaint letters left on the doorstep, banging on doors for verbal attacks, altercations in the lane etc.

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From: Mike Hobbs (Mike Hobbs [REDACTED] s. 22(1))
Subject: 955 20th Street - lane access
Date: May 31, 2024 at 9:59:46 AM
To: Toby Rogers trogers@westvancouver.ca
Cc: S. O'Sullivan sosullivan@westvancouver.ca
Bcc: [REDACTED] s. 22(1)

Hi Toby

Further to yesterday's telephone conversation I attach below a copy of a letter from [REDACTED] s. 22(1) - which, a few days ago, [REDACTED] s. 22(1) on the doorstep of the 11 residences with access on to the lane from their rear yards. In further clarification, the lane runs from 20th to 21st. Street, between Gordon and Haywood.

I note the following regarding her letter:

1. The utility pole referred to is not redundant - it carries B.C. Tel and Hydro lines to our house.
2. The extent of trimming to hedges around our property was clarified in M.G. Park's letter dated May 15th, 2023. Mr Park's hedge trimming requirements were complied with one week after receipt of his letter.
3. In the 10years we have occupied our house, no one, other than [REDACTED] s. 22(1) [REDACTED] s. 22(1) has complained about visibility on accessing 20th Street from the lane.

I look forward to our meeting at 10a.m. On Monday.

Regards

Mike Hobbs.

s. 22(1)

SAFETY AND VISIBILITY

To s. 22(1) 2000 block Gordon/Haywood lane

Our short, steep lane which services 11 detached homes has the unique distinction of having both THE GOLD STANDARD for visibility, at 21st and the absolute WORSE at 20th. This according to the 3 professional drivers who collect yard waste, garbage and recycling.

There are 20 resident drivers who use it, often multiple times a day. 4 cyclists and 4 dogs trotting ahead of their owners. Pedestrians including elders with walkers.

Entering from 21st, drivers can see if there is already a vehicle in the lane, and exiting drivers can see south to the Fulton roundabout, and north to Haywood.

Entering from 20th, drivers have NO visibility of whether there is a vehicle already approaching 20th in the lane or a pedestrian with no space to step aside. Exiting to 20th, drivers have no visibility of northbound pedestrians or vehicles.

There are more than 50 cedar trees (not hedging cedars) on the Municipal lane adjacent and in front of 955 20th. There is a redundant utility pole where a fence has been built on the blvd in front of 955.

There are 2+ ft. between the asphalt and our properties. s. 22(1)
bottom s. 22(1) for dahlias. The cedars are 8 feet wide. It is beyond time that at the very least the cedars on the lane be cut back to their trunks and those beyond the property line on 20th be removed entirely.

Our 11 residences combine for close to \$100,000 annually in property tax. We deserve Gold Standard visibility at both ends of our lane.

c S O'Sullivan, Manager of Traffic, WV email feedback: s. 22(1)
s. 22(1)