

To Whom It May Concern,

We, David and Terry Chatwin of 9837 Napier Place moved into our new home September 14th 2018. Our contractor Chris Clement provided us with a 2m high fence across the back of our property with the purchase of our home.

Chris allowed us and all the other residents to construct 2m and 1.5m high fences on the sides of our homes. With no fences past the front of the house or in the Front of the house at all.

The fence we had built in 2018 between 9833 Napier Place and us at 9837 Napier Place was 11.6 m long by 1.5m high with 3 fence panels 2m high for 8.3m at the back yard area connecting to the back 2m high fence. These 3 panels were tiered and stepped up to our back yard elevation.

On the South side of our property bordering Lennox Close we constructed a 1.5m high fence for 8.4m's and a cedar hedge for the remaining 11.7m's stopping at the front corner of our house.

Now 5 years later there were issues with both side fences. A corner post had sunk 8.6cm on the Lennox Close side pulling down the 2 fence panels connected to it.

And 1 of the 4x4 posts on the other side between 9833 Napier Place and us at 9837 Napier Place had rotted and broke off at the dirt line with just the panels connecting to it holding it up.

Being as the subdivision was so new, we never even gave it any thought or even had any idea that the municipality had assumed responsibility for the area. This is the reason for us not checking first with North Cowichan Municipality .

In April 2023 we hired a fence guy to fix the fence on the Lennox Close side of our property. This fence had the sinking corner post. We also noticed on that side that our cedar trees that extended the fence line to the front of our house were starting to move some of the rocks on the rock retaining wall with their roots. They were planted at the Street level and our lot is .94m lower than the street grade on Lennox Close. A .94m dry laid rock wall makes this transition.

The fence guy removed the trees and the old fence on the Lennox Close side and replaced it with a new 1.5m high x 17.3m long fence. At that time I had him look at the rotted and loose post on the side between 9833 Napier Place and us 9837 Napier Place. He pointed out many issues with the old fence and gave us a quote for a replacement. Mentioning at the time that he could make the fence line straight rather than it jogging .30m into our yard for 8.3m long to the back fence.

We had the property line between 9833 and us 9837 Napier place surveyed on May 23 2023 at the owners of 9833 Napier place request.

Our fence guy came back on September 6 2023 and removed the fence between 9833 Napier Place and us 9837 Napier Place and replaced it with one of the similar height and design to what we took down. The only change in that fence was the fact that the old fence jogged .30m into our property at the back

north west corner of our house. The jog ran back to the rear fence for 8.3m. He built the new fence along the property line (on our side) and made the last 3 panels 1.8m high, 1.93m high and 1.81m high joining to the back 2m high fence. The rest of the fence panels going towards the front of our house are 1.6m high.

The reason we like having the one 1.93m high fence panel on the side of our home at the back between 9833 Napier Place and us 9837 Napier Place are:

Privacy – the 2m and 1.5m fences give our neighbor's and us privacy in our very small back yards. Our Neighbor's patio is 1.5m from the property line so I would hope they would like a more private fence like we have had for the past 5 years. In the summer they spend many hours out on their patio.

Noise – In the summer the spinning noise from our heat pump I know must bother them. They sort of mentioned it once. A shorter 1.2m fence will let more heat pump noise get over the fence. A 1.2m fence will be noisier for them or future neighbors if the fence is lowered.

After having the 2m and 1.5m panels on the sides of our yard – we will be left with no privacy in our back yard and sides if we have to have a 1.2m fence.

Not to mention how it will look to have a 1.2m fence on the side joining a 2m fence at the back of our yard.

We are asking for a 1.25m variance over the allowed 1.2m height as the tallest fence post at the back is 2.45m high on the fence between 9833 Napier place and us at 9837 Napier Place. This is to allow the last fence panel to match the back fence that is 2m high.

In the end we are asking for permission to keep what we have had the last 5 years.

Regards, David and Terry Chatwin

9837 Napier Place, Chemainus, B.C.