



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, MAY 15, 2018

4:00 pm – OKANAGAN LAKE ROOM

A G E N D A

1. ADOPTION OF AGENDA

2. ADOPTION OF MINUTES

February 14, 2018 (attached)

3. UNFINISHED BUSINESS

Update on Kal Tire Place handicapped parking – as requested by the Committee at the February 14, 2018 meeting

4. NEW BUSINESS

a) **DVP00430** – Development Variance Permit application for 7012 Appaloosa Way

b) **ZON00293** – Rezoning application for 7818 Okanagan Landing Bench Road

c) **DVP00422** – Development Variance Permit application for 8853 Adventure Bay Road

d) **LUC00013/DVP00421** – Land Use Contract Discharge and Development Variance Permit Application for 9238 Chinook Road

5. INFORMATION ITEMS

a) An information sheet of APC items discussed at the February 26, March 12, March 26, April 9 and 23, 2018 Council meetings was included in the agenda package. A verbal update of APC items discussed at the May 14, 2018 Council meeting will be provided.

6. NEXT MEETING

The next meeting is tentatively scheduled for Tuesday, May 29, 2018.

7. ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

WEDNESDAY, FEBRUARY 14, 2018

PRESENT: VOTING

Mark Longworth, Chair
Jamie Paterson
Barry Beardsell
Don Schuster
Monique Hubbs-Michiel
Vicki Topping
Joanne Georgeson
Lisa Briggs
Ian Murphy

NON VOTING

Councillor Cunningham
Councillor Spiers
Corbin Kelley, Youth Member

ABSENT:

Doug Neden, Vice-Chair
Natalie Lussin

STAFF: Craig Broderick, Manager Current Planning
Carie Liefke, Planning Assistant
Roy Nuriel, Planner, Economic Development
Ellen Morrison, Transportation Planner
Janice Nicol, Legislative Committee Clerk

ORDER

The Chair called the meeting to order at 4:00 p.m.

**ADOPTION OF
AGENDA**

Moved by Barry Beardsell, seconded by Jamie Paterson:

THAT the agenda of the Advisory Planning Committee meeting for Wednesday, February 14, 2018 be adopted.

CARRIED.

ADOPTION OF MINUTES

Moved by Vicki Topping, seconded by Monique Hubbs-Michiel;

THAT the minutes for the Advisory Planning Committee meeting of Tuesday, January 23, 2018 be adopted.

CARRIED.

NEW BUSINESS:

REZONING APPLICATION – 4005 PLEASANT VALLEY ROAD

The Advisory Planning Committee reviewed Rezoning application ZON00295 for property located at 4005 Pleasant Valley Road.

The following concerns were noted:

- Plan is conceptual for parking at this point.
- Concerns regarding geotechnical on the property as it is all sand.
- How storm water management will be dealt with was questioned.
- Concerns regarding traffic flow for proposed development and Pleasant Valley Road.

Moved by Don Schuster, seconded by Monique Hubbs-Michiel;

THAT the Advisory Planning Committee recommends that Council support the application (ZON00295) to rezone Part Lot 20 (Plan B3444) Section 2 Township 8 ODYD Plan 474 (4005 Pleasant Valley Road) from R2 – Large Lot Residential to R5 – Four-plex Housing Residential in order to allow a low density multi-family development.

CARRIED.

Ian Murphy arrived at the meeting at 4:07 p.m.

DEVELOPMENT VARIANCE PERMIT #00418 – 1803 31A STREET

The Advisory Planning Committee reviewed Development Variance Permit application DVP00418 located at 1803 31A Street. The Planner, Economic Development provided background and overview of the proposed development.

The following concerns were noted:

- Residents of the proposed building may not be employees of the hospital.

- Sidewalks on both sides of the street are not necessary.
- Observation times (done over two days) for parking study were inadequate.
- Parking, snow removal, landscaping and the number of variances.
- Variance of the front yard setback and loss of landscaping.

It was also felt that the development would be beneficial to the City.

Moved by Barry Beardsell, seconded by Joanne Georgeson;

THAT Council not support Development Variance Permit Application #DVP00418 to vary Zoning Bylaw #5000 to allow for a four and half storey, 43 rental unit apartment to be constructed on Lot 1, Plan 21336, Sec 34, Twp 9, ODYD (1803 – 31A Street);

AND FURTHER, that Council not support Development Variance Permit Application #DVP00418 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1, Plan 21336, Sec 34, Twp 9, ODYD (1803 – 31A Street).

CARRIED, with Don Schuster and Vicki Topping opposed.

INFORMATION ITEMS:

The Staff Liaison provided an update of APC related items discussed at the February 13, 2018 Council meetings as follows:

- DVP00419 – 3908 32 Street – issued once all conditions are satisfied
- OCP Amendment for 5902 Pleasant Valley Road – not supported by Council
- Rezoning Bylaw for 4010 31 Street adopted
- Floor Space Ration – OCP and Zoning Bylaw text amendments adopted
- Temporary Use Permit – Zoning Bylaw text amendment adopted.

The Committee had concerns regarding the condition of the handicapped parking stalls in front of City Hall.

An update on handicap parking at Kal Tire Place was requested for next meeting.

NEXT MEETING

The next regular meeting of the Advisory Planning Committee is scheduled for Tuesday, February 27, 2018.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:35 p.m.

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick, Manager,
Current Planning
Hazel Christy, Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 11, 2018
REPORT DATE: May 7, 2018
FILE: DVP00430

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7012 APPALOOSA WAY

PURPOSE:

To review the request to extend previously approved Development Variance Application #DVP00395 for one year, and review the development variance permit application to vary the minimum west side yard building setback to allow for an addition to the house and the levelling of a side yard area at 7012 Appaloosa Way.

RECOMMENDATION:

THAT Council's approval, at its Regular Meeting of June 26, 2017, of Development Variance Application #DVP00395 to vary the following sections of Zoning Bylaw #5000 to allow for an addition to the house and a retaining wall with a fence on top on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum front yard building setback from 7.5m to 1.8m (Sec.9.2.5); and
- b) to vary the maximum combined height of a retaining wall and a fence on top of the retaining wall from 2.0m to 3.96m (Sec.5.11 and Sec.6.5.12).

AND FURTHER, that Council's support of DVP00395 is subject to the following:

- a) That the revised site, elevation, floor, retaining wall and fence plans be provided by the applicant and attached to and form part of DVP00395 as Schedule 'A'; and
- b) That the revised site plan is to indicate that the west driveway access is to be closed and the closed area is to be landscaped

be extended for one year.

THAT Council support Development Variance Permit Application #DVP00430 to vary the following section of Zoning Bylaw #5000 to allow for an addition to the house on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum west side yard building setback from 2.5m to 1.5m (Sec.9.2.5).

AND FURTHER, that Council's support of DVP00430 is subject to the following:

- a) That the site, elevation, floor, retaining wall and fence plans noted as Attachments 3 to 9 inclusive in the report titled Development Variance Permit Application for 7012 Appaloosa Way dated May 7, 2018 be attached to and form part of DVP00430 as Schedule 'A'; and

- b) That the site plan is to indicate that the west driveway access is to be closed and the closed area is to be landscaped.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council's approval, at its Regular Meeting of June 26, 2017, of Development Variance Application #DVP00395 to vary the following sections of Zoning Bylaw #5000 to allow for an addition to the house and a retaining wall with a fence on top on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum front yard building setback from 7.5m to 1.8m (Sec.9.2.5); and
- b) to vary the maximum combined height of a retaining wall and a fence on top of the retaining wall from 2.0m to 3.96m (Sec.5.11 and Sec.6.5.12).

AND FURTHER, that Council's support of DVP00395 is subject to the following:

- a) That the revised site, elevation, floor, retaining wall and fence plans be provided by the applicant and attached to and form part of DVP00395 as Schedule 'A'; and
- b) That the revised site plan is to indicate that the west driveway access is to be closed and the closed area is to be landscaped

be extended for one year.

THAT Council support Development Variance Permit Application #DVP00430 to vary the following section of Zoning Bylaw #5000 to allow for an addition to the house on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum west side yard building setback from 2.5m to 1.5m (Sec.9.2.5).

AND FURTHER, that Council's support of DVP00430 is subject to the following:

- a) That the site, elevation, floor, retaining wall and fence plans noted as Attachments 3 to 9 inclusive in the report titled Development Variance Permit Application for 7012 Appaloosa Way dated May 7, 2018 be attached to and form part of DVP00430 as Schedule 'A';
- b) That the site plan is to indicate that the west driveway access is to be closed and the closed area is to be landscaped; and
- c) *(to be cited by Council).*

Note: This alternative supports the development variance permit application subject to the conditions recommended by Administration, as well as additional conditions cited by Council.

2. THAT Council's approval, at its Regular Meeting of June 26, 2017, of Development Variance Application #DVP00395 to vary the following sections of Zoning Bylaw #5000 to allow for an addition to the house and a retaining wall with a fence on top on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum front yard building setback from 7.5m to 1.8m (Sec.9.2.5); and
- b) to vary the maximum combined height of a retaining wall and a fence on top of the retaining wall from 2.0m to 3.96m (Sec.5.11 and Sec.6.5.12).

AND FURTHER, that Council's support of DVP00395 is subject to the following:

- a) That the revised site, elevation, floor, retaining wall and fence plans be provided by the Applicant and attached to and form part of DVP00395 as Schedule 'A'; and
- b) That the revised site plan is to indicate that the west driveway access is to be closed and the closed area is to be landscaped

be extended for one year.

THAT Council NOT support Development Variance Permit Application #DVP00430 to vary the following section of Zoning Bylaw #5000 to allow for an addition to the house on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum west side yard building setback from 2.5m to 1.5m (Sec.9.2.5).

Note: This alternative would extend the previous Council approval of DVP00395 for one year, but does not support the variance currently being requested. The size of the addition would have to be reduced.

- 3. THAT Council's approval, at its Regular Meeting of June 26, 2017, of Development Variance Application #DVP00395 to vary sections of Zoning Bylaw #5000 to allow for an addition to the house and a retaining wall with a fence on top on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way) not be extended;

AND FURTHER, that Council NOT support Development Variance Permit Application #DVP00430 to vary the following section of Zoning Bylaw #5000 to allow for an addition to the house on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) to vary the minimum west side yard building setback from 2.5m to 1.5m (Sec.9.2.5).

Note: This alternative would not extend the previous Council approval of DVP00395 for one year, and does not support the variance currently being requested. The size of the addition would have to be reduced.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 15, 2018, the Advisory Planning Committee passed the following resolution:

.....

B. Rationale:

- 1. The subject property (Figures 1 and 2) is designated Residential – Low Density in the Official Community Plan (OCP). The property is zoned R1 – Estate Lot Residential as per Zoning Bylaw #5000.

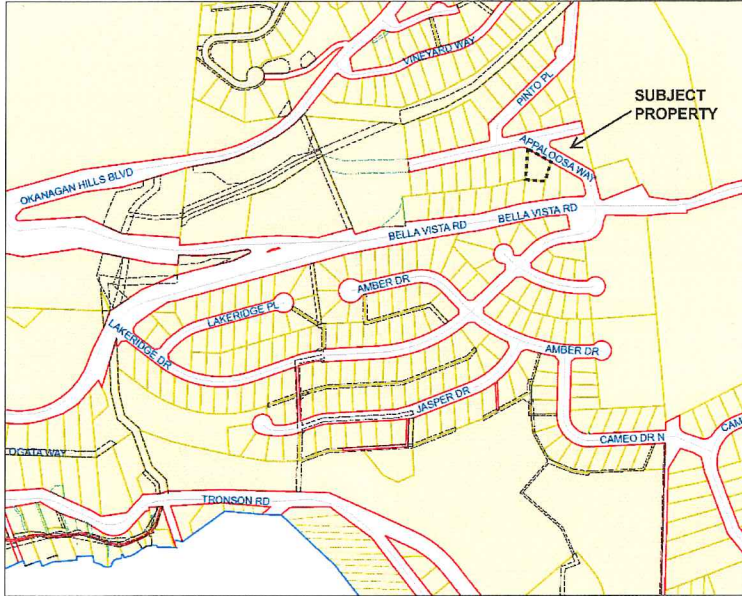


Figure 1 - Property Location Map



Figure 2 - Aerial Photo of Property

2. Development Variance Permit application DVP000395 to vary the following sections of Zoning Bylaw #5000 in order to construct an addition onto the northwest portion of the existing house and to construct a retaining wall with a fence on top in the northeast portion of the property received Council consideration at its Regular Meeting of June 26, 2017:
 - a) to vary the minimum front yard building setback from 7.5m to 1.8m (Sec.9.2.5);
 - b) to vary the minimum west side yard building setback from 2.5m to 1.5m (Sec.9.2.5); and
 - c) to vary the maximum combined height of a retaining wall and a fence on top of the retaining wall from 2.0m to 3.96m (Sec.5.11 and Sec.6.5.12).
3. Council did not support the variance to the side yard building setback and passed the following amended motion:

THAT Council support Development Variance Permit Application #DVP00395 to vary the following sections of Zoning Bylaw #5000 to allow for an addition to the house and a retaining wall with a fence on top on the property described as Lot H, Plan 19058, Sec 31, Tp 9, ODYD (7012 Appaloosa Way):

- a) *to vary the minimum front yard building setback from 7.5m to 1.8m (Sec.9.2.5); and*
- b) *to vary the maximum combined height of a retaining wall and a fence on top of the retaining wall from 2.0m to 3.96m (Sec.5.11 and Sec.6.5.12).*

AND FURTHER, that Council's support of DVP00395 is subject to the following:

- a) *That the revised site, elevation, floor, retaining wall and fence plans be provided by the Applicant and attached to and form part of DVP00395 as Schedule 'A'; and*
- b) *That the revised site plan is to indicate that the west driveway access is to be closed and the closed area is to be landscaped.*

4. The applicant did not proceed with Development Variance Permit Application #DVP00395, and has made a new application to vary the west side yard setback. In support of the new application, DVP00430, the applicant has submitted a letter from the neighbour located at 7024 Appaloosa Way, the property to the west, adjacent to the subject property (Attachment 2).
5. The plans submitted with Development Variance Permit Application #DVP00430 are identical to those submitted in support of Development Variance Permit Application #DVP00395. The layout of the proposed addition is shown on the site plan which also illustrates the location of the proposed new retaining wall and the existing retaining wall to be removed (Attachment 3). The proposed two storey addition is for a two bay garage, family room and deck on the main floor and a bedroom, washroom and storage room on the second floor (Attachments 4 and 5). The north, east and west elevation plans illustrate the proposed new addition construction in relation to the existing house (Attachments 6-8). Parts of the existing house are to be removed and modified to accommodate the addition.
6. The minimum side yard setback is 2.5m (Attachment 11). As in the previous Development Variance Permit application, the proposal is to construct a large two bay garage along with additional living space. The rear yard area contains the septic system which limits the area where a building addition and garage can be located. Also, due to the steep sloping topography of the property, access to the rear yard is limited. Currently, there are two driveway accesses to the property in the form of a circular driveway (Attachment 3). As per the previously approved variance, if the setback variance for the addition is to be approved, then the western driveway access should be closed and the closed driveway area landscaped similar to the existing boulevard area. This western access is close to the intersection of two public roads and closure of this access area to vehicle use would improve the function of the public roads. Closure of the west access to Appaloosa Way would also result in vehicles having to turn around on-site. Part of the vehicle turn around area would be in the side yard area to be supported by the proposed 2.44m high retaining wall. For safety purposes, there is a 1.52m high fence proposed on top of the retaining wall.
7. Attachment 7 illustrates the east elevation plan for the proposed addition. It is this wall that would be along the west side yard setback which is proposed to be varied from a width of 2.5m to 1.5m. There are no windows proposed along the west wall that, if present, would allow for views into the side and rear yard of the neighbouring property (Attachment 8). The property is within the 10 minute fire department response area and as such has no additional requirements related to unprotected openings (i.e. doors/windows).
8. Administration supports the requested variance as the proposed reduction in the west side yard setback from 2.5m to 1.5m should not impact the neighbouring property as the side wall of the building addition is not proposed to have windows, which would allow for viewing into the neighbouring property.

C. Attachments:

- Attachment 1 – letter dated March 12, 2018 from Hal Muxlow
- Attachment 2 – letter from Chris Fairly, 7024 Appaloosa Way
- Attachment 3 – site plan
- Attachment 4 – ground floor plan of addition
- Attachment 5 – second floor plan of addition
- Attachment 6 – north elevation plan
- Attachment 7 – east elevation plan
- Attachment 8 – west elevation plan
- Attachment 9 – retaining wall – east and south elevations
- Attachment 10 – surveyors certificate (November 10, 2016)
- Attachment 11 – R1: Estate Lot Residential zoning district

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject development variance permit application involves the following objective in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated Residential – Low Density in the OCP. The property is zoned R1 – Estate Lot Residential (Attachment 10).
2. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Craig Broderick
May 11 2018 9:36 AM

Craig Broderick
Manager, Current Planning

Right-click to sign
with

Approved for submission to Council:

Will Pearce, CAO

Date: _____

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH		
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Operations	<input checked="" type="checkbox"/> Current Planning
<input type="checkbox"/> Bylaw Compliance	<input type="checkbox"/> Public Works/Airport	<input type="checkbox"/> Long Range Planning & Sustainability
<input type="checkbox"/> Real Estate	<input type="checkbox"/> Facilities	<input type="checkbox"/> Building & Licensing
<input type="checkbox"/> RCMP	<input type="checkbox"/> Utilities	<input type="checkbox"/> Engineering Development Services
<input type="checkbox"/> Fire & Rescue Services	<input type="checkbox"/> Recreation Services	<input type="checkbox"/> Infrastructure Management
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Parks	<input type="checkbox"/> Transportation
<input type="checkbox"/> Financial Services		<input type="checkbox"/> Economic Development & Tourism
<input checked="" type="checkbox"/> COMMITTEE: APC (May 15/18)		
<input type="checkbox"/> OTHER:		

City of Vernon
Building Department

March 12, 2018

RE: Variance Application – 7012 Appaloosa Way

Please accept this setback variance application for your review and consideration. It is my plan to construct a new addition to my residence which will consist of a double garage and family/entertainment room. The original residence was constructed in 1969 with a small single bay garage.

This residential property which is located on an irregular shaped lot. Due to the current design and topography of this hillside property, I am limited in my ability to construct an adequate garage area within the standard zoning requirements. I am also experiencing drainage issues as the water runoff from the road is channeled down the west driveway access to my front entrance. This is causing unnecessary settling and potential water damage to my residence.

I have approval, of 1.895 meters on the north side and now (**reapplying 1.25 meters on the west side**), I plan to reconfigure the driveway with just one entrance on the east side of my frontage and have been approved to build a proper retaining structure along the north-west frontage to alleviate the drainage concerns.

With an approved variance, I believe the proposed construction will be both visually appealing and structurally practical, benefitting myself and neighbouring properties.

Thank you for your consideration,

Hal Muxlow
7012 Appaloosa Way
Vernon, B.C.
V1H 1B9
604-991-3344

DVP 430

SEARCHED

7012 Appaloosa Way

Chris Fairley

January 29, 2018
7024 Appaloosa way
Vernon, BC V1H 1B9

City of Vernon - Planning

Re: Proposed addition at 7012 Appaloosa Way

Greetings,

I purchased and moved to 7024 Appaloosa way in September 2017 from 7011 Bella Vista Rd. After reviewing circulated documents and attending the meeting last June I supported the proposed improvements. My recent move has not changed that position. You can reach me at cfair55@hotmail.com if you have any questions.

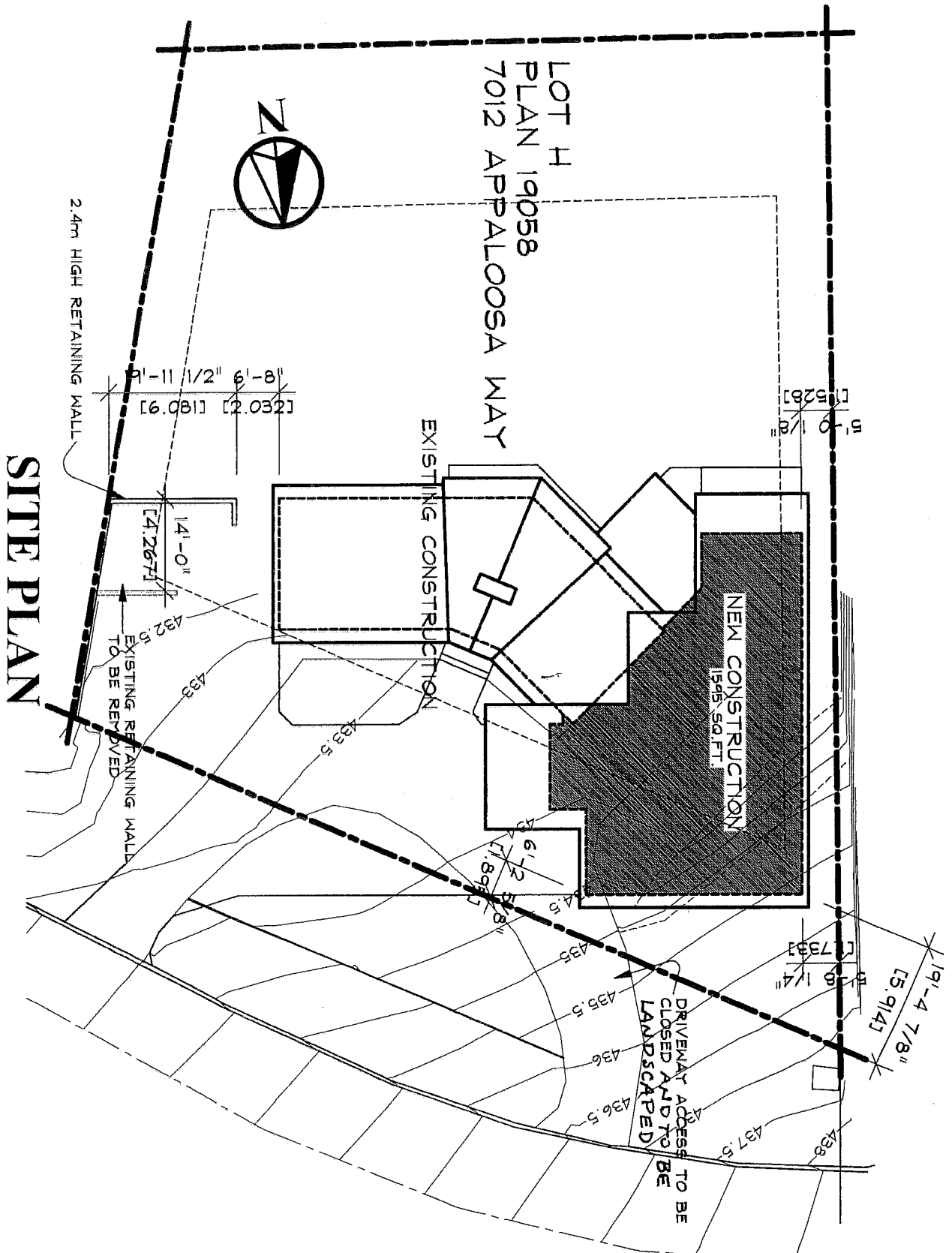
Sincerely,



Chris Fairley

DVP430

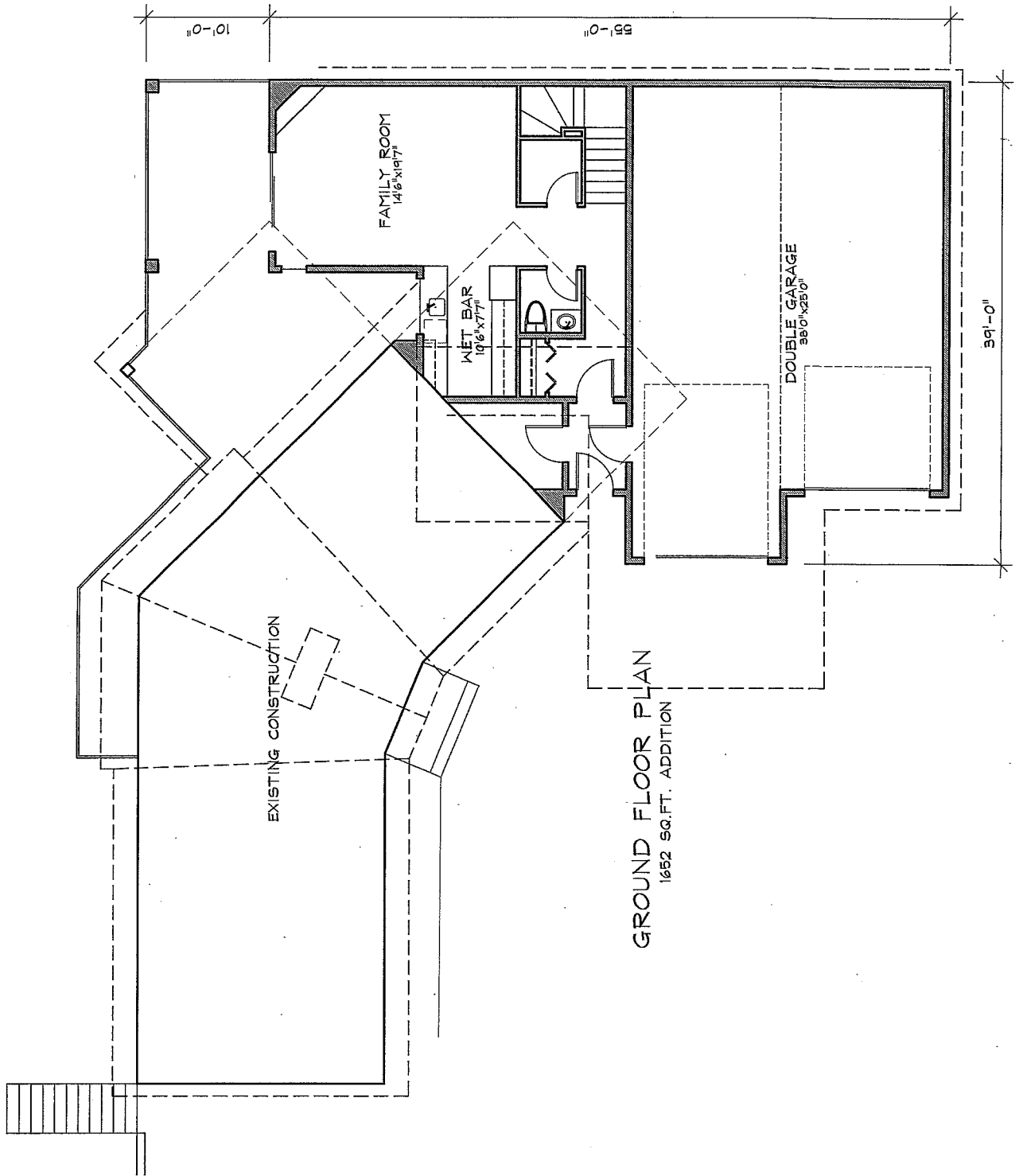
ADDITION to the MUXLOW RESIDENCE



SITE PLAN

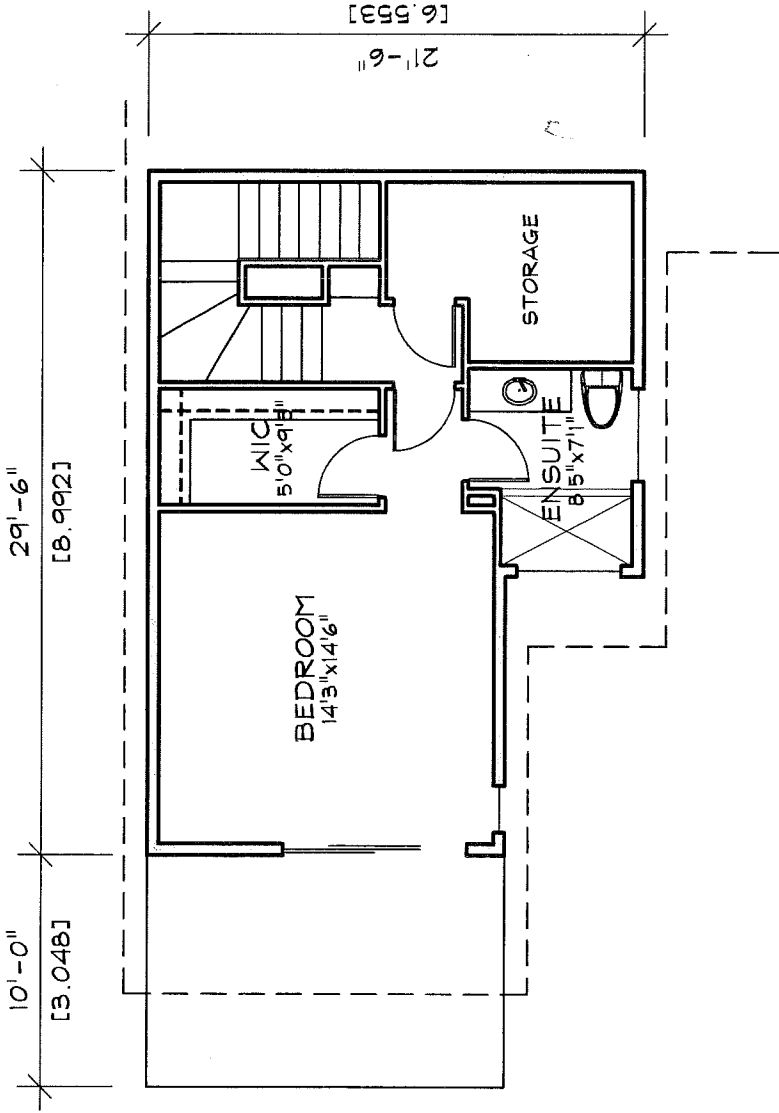
SCALE 1" = 20'-0"

DUP43D



GROUND FLOOR PLAN
1652 SQ. FT. ADDITION

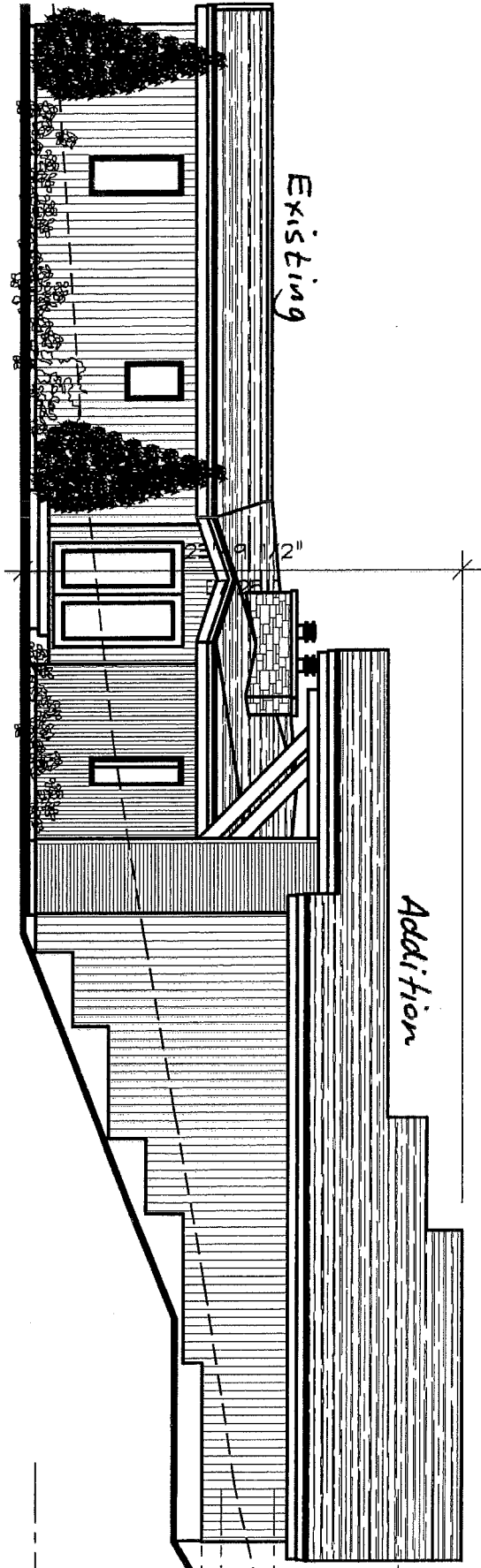
ADDITION to the MUXLOW RESIDENCE



SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

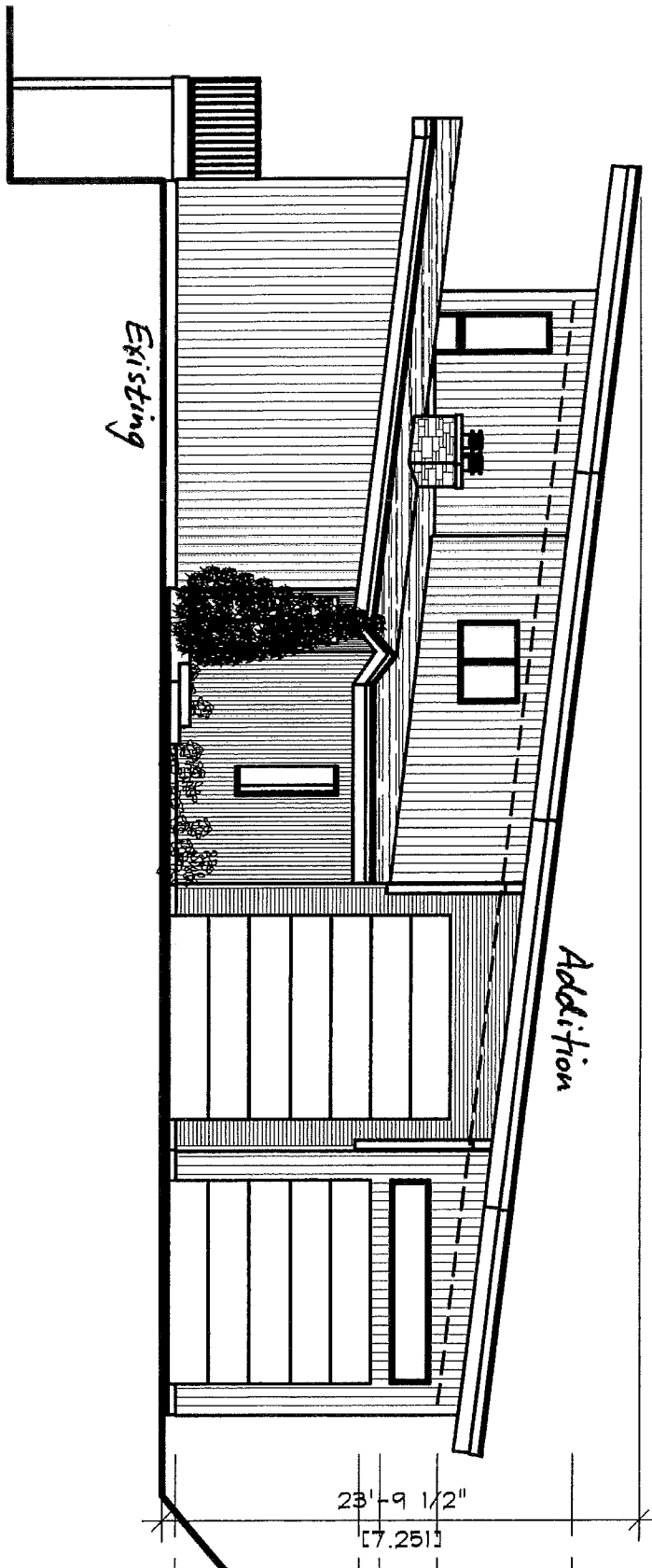
ADDITION to the MUXLOW RESIDENCE



NORTH ELEVATION

SCALE 1/8" = 1'-0"

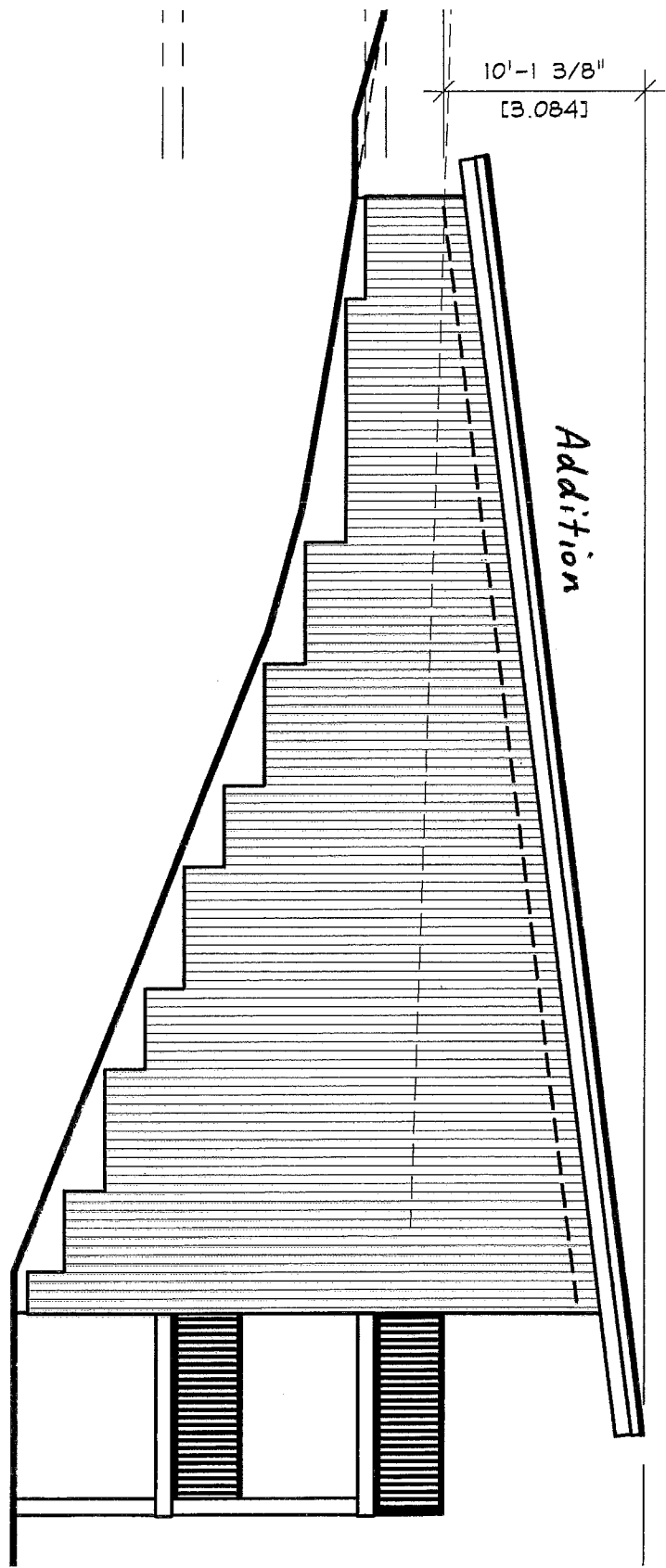
ADDITION to the MUXLOW RESIDENCE



EAST ELEVATION

SCALE 1/8" = 1'-0"

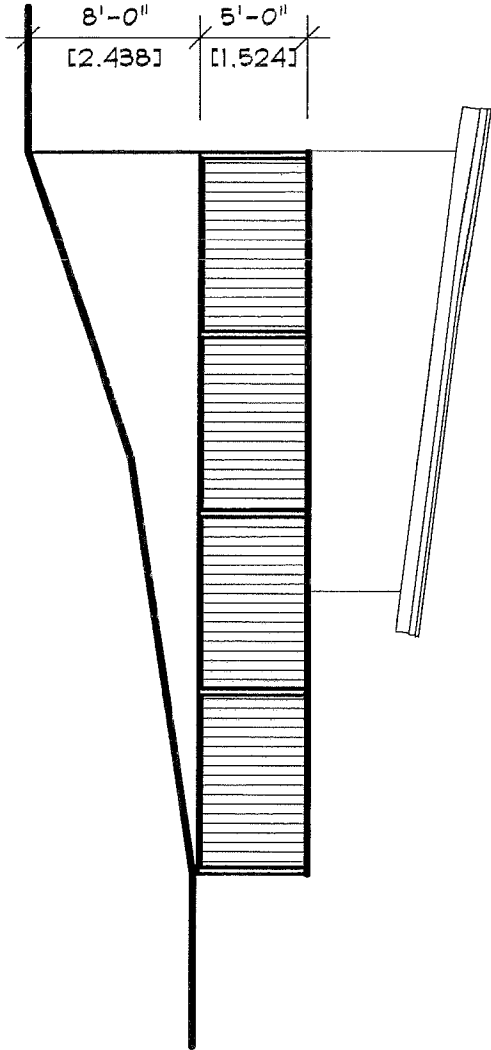
ADDITION to the MUXLOW RESIDENCE



WEST ELEVATION

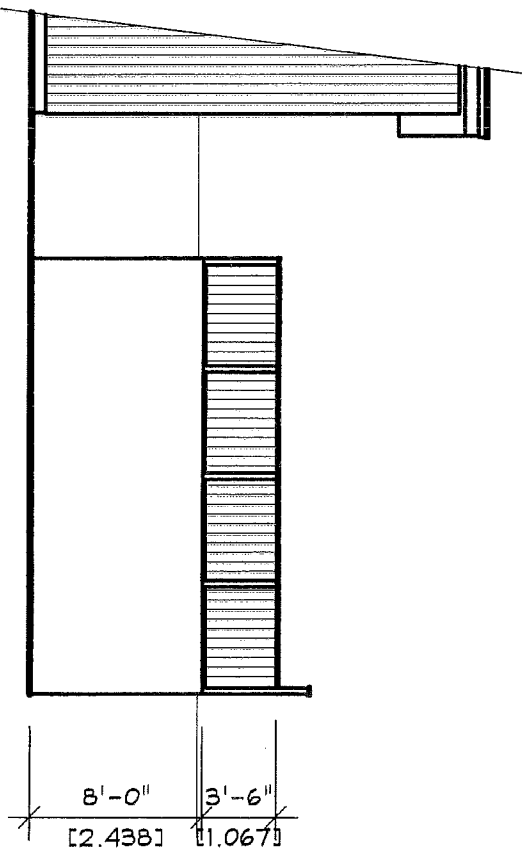
SCALE 1/8" = 1'-0"

ADDITION to the MUXLOW RESIDENCE



RETAINING WALL EAST ELEVATION

SCALE 1/8" = 1'-0"



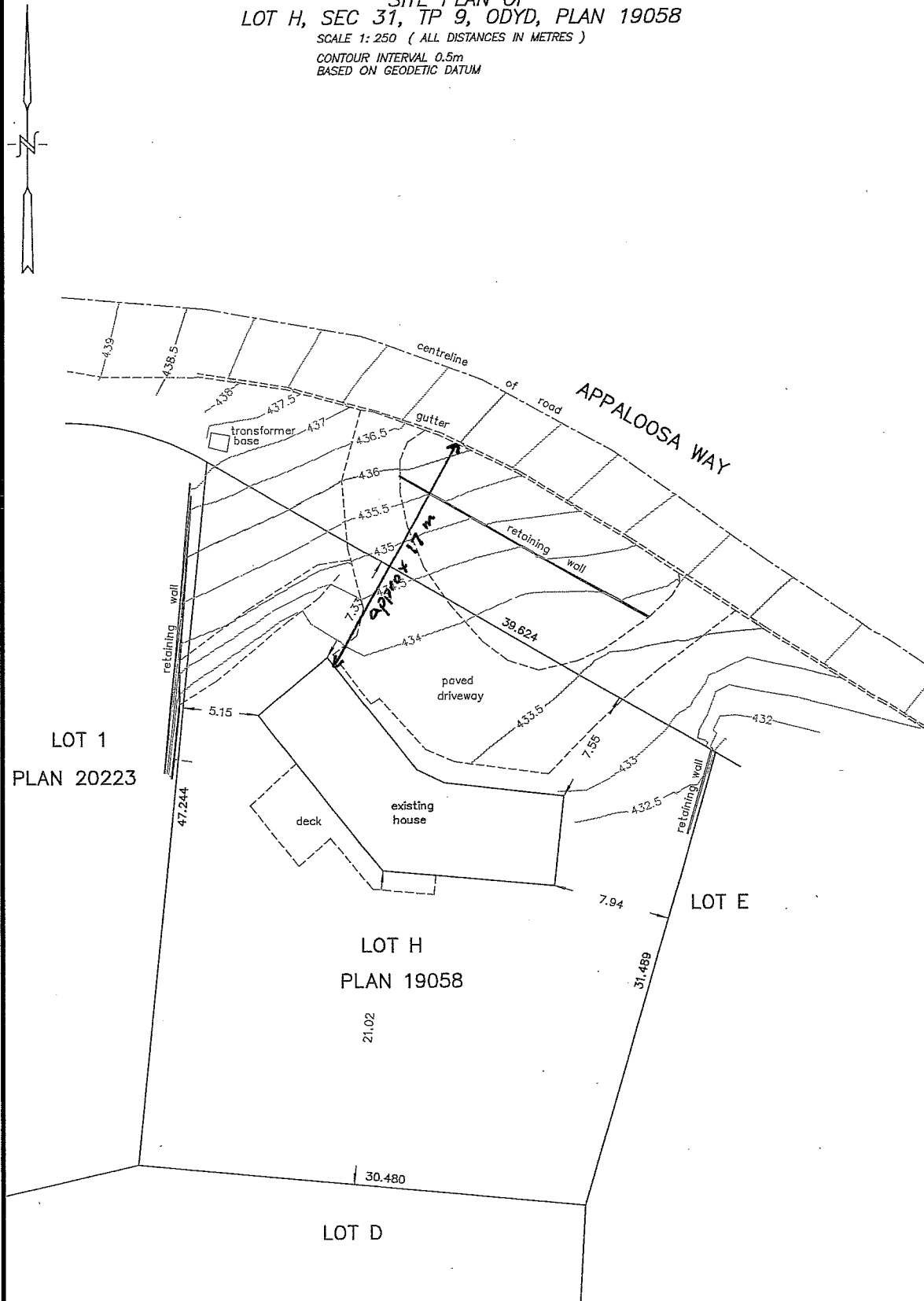
RETAINING WALL SOUTH ELEVATION

SCALE 1/8" = 1'-0"

SITE PLAN OF
LOT H, SEC 31, TP 9, ODYD, PLAN 19058

SCALE 1: 250 (ALL DISTANCES IN METRES)

CONTOUR INTERVAL 0.5m
BASED ON GEODETIC DATUM



LOT 1
PLAN 20223

LOT H
PLAN 19058

LOT E

LOT D

© JASON R. SHORTT, B.C.L.S., 2016.

russell shortt
land SURVEYORS

2801-32nd STREET, VERNON, B.C. Phone 545-0511

FAX: 545-2741
FILE: 28430site
F.B. 1278 Pg. 28

NOVEMBER 10, 2016

THIS PLAN IS PREPARED FOR THE USE OF:
MUXLOW

SCANNED



9.2 R1 : Estate Lot Residential

9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.2.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 11, 2018
REPORT DATE: May 2, 2018
FILE: ZON00293

SUBJECT: REZONING APPLICATION FOR 7818 OKANAGAN LANDING BENCH ROAD

PURPOSE:

To review the application to rezone the property at 7818 Okanagan Landing Bench Road from A3 - Rural Small Holdings to R1 – Estate Lot Residential in order to allow the boundary adjustments of four contiguous lots as part of an estate settlement.

RECOMMENDATION:

THAT Council support the application to rezone Lot 2, DL 6, ODYD Plan 26285 (7818 Okanagan Landing Bench Road) from A3 – Rural Small Holdings to R1 – Estate Lot Residential, in order to allow the boundary adjustments of four contiguous lots, subject to the following:

- a) The installation of a Level 5 buffer along the southern boundary of the subject property adjacent to ALR lands pursuant to the requirements of Zoning Bylaw #5000 Section 6.6.2., and the Ministry of Agriculture's *Guide to Edge Planning*.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application to rezone Lot 2, DL 6, ODYD Plan 26285 (7818 Okanagan Landing Bench Road) from A3 – Rural Small Holdings to R1 – Estate Lot Residential, in order to allow the boundary adjustments of four contiguous lots, subject to the following:
 - a) The installation of a Level 5 buffer along the southern boundary of the subject property adjacent to ALR lands pursuant to the requirements of Zoning Bylaw #5000 Section 6.6.2., and the Ministry of Agriculture's *Guide to Edge Planning*; and
 - b) *Any other conditions that may be cited by Council.*

Note: This alternative supports the rezoning application subject to any additional conditions that may be cited by Council.

2. THAT Council not support the application to rezone Lot 2, DL 6, ODYD Plan 26285 (7818 Okanagan Landing Bench Road) from A3 – Rural Small Holdings to R1 – Estate Lot Residential, in order to allow the boundary adjustments of four contiguous lots.

Note: This alternative does not support the rezoning of the subject property. The subject property could not be included as part of the proposed boundary adjustment subdivision as the lot to be created would not comply with the minimum parcel size regulation in the A3 Zone.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 15, 2018, the Advisory Planning Committee passed the following resolution:

.....

B. Rationale:

1. The subject property at 7818 Okanagan Landing Bench Road, as shown on Figures 1 and 2, is located within the Waterfront Neighbourhood Plan Area. The property is designated Residential Low Density in the Official Community Plan (OCP) and zoned A3 – Rural Small Holdings as per Zoning Bylaw #5000 (Attachments 1 and 2).
2. The applicant has submitted an application to rezone the subject property from A3 – Rural Small Holdings to R1 – Estate Lot Residential in order to allow for the boundary adjustments of four contiguous lots as part of an estate settlement. The other three lots, shown outlined on Figures 1 and 2, are designated Residential Medium Density and Residential Low Density (OCP) and zoned R1 – Estate Lot Residential respectively.
3. Concurrent with the rezoning application is an application for a boundary adjustment (SUB00694). Rezoning of the subject property to R1 Estate Lot Residential would make the zoning consistent with the other lots included in the boundary adjustment application, and is necessary for the subject property, if included in the subdivision, to meet minimum lot size requirements.
4. The parcel size of the subject property, at 0.3872 ha., is currently legal non-conforming with respect to the 2.0 ha. minimum parcel size in the A3 - Rural Small Holdings Zone. The minimum parcel size in the R1 Estate Lot Residential Zone is 740 m2, where serviced by a community water system. As a condition of the proposed subdivision, all lots must be serviced with sewer, water and storm.
5. Administration supports the requested application to amend the Zoning Bylaw #5000 designation from A3 – Rural Small Holdings to R1 – Estate Lot Residential for the subject property for the following reasons:
 - a) The size of the lot is existing non-conforming relative to its current zoning designation.
 - b) Rezoning the subject property to R1 Estate Lot Residential would allow the uses to be consistent with adjacent properties and allow for the completion of the proposed boundary adjustment subdivision.

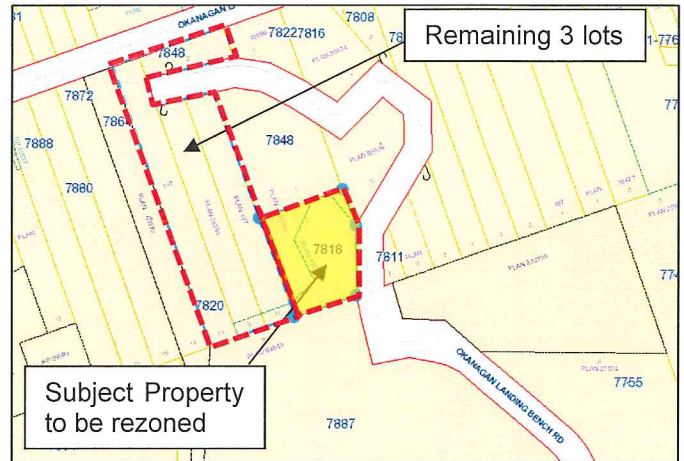


Figure 1 - Property Location Map



Figure 2 – Aerial Photo of Property

- c) The boundary adjustment subdivision will make the four lots more usable, extend the required services, and dedicate a portion of Okanagan Landing Bench Road;
- d) Technical matters regarding the dedication of road, extension of services, geotechnical reports, retaining walls, and restrictive covenants would be dealt with at the time of subdivision.

C. Attachments:

- Attachment 1 – Zoning map
- Attachment 2 – OCP land use designation map
- Attachment 3 – A3 – Rural Small Holdings Zone
- Attachment 4 – R1 – Estate Lot Residential Zone
- Attachment 5 – Proposed Sketch Plan of Subdivision (Schedule 1 dated Sept. 12, 2017 from PLR)

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject development variance permit application involves the following objective in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing the OCP

E. Relevant Policy/Bylaws/Resolutions:

- 1. The subject property is designated Low Density Residential. The property is zoned A3 – Rural – Small Holdings.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Craig Broderick

Craig Broderick
May 11 2018 9:55 AM DocuSign

Hazel Christy,
Planner

Approved for submission to Council:

Will Pearce, CAO

Date: _____

Right-click to sign
with DocuSign

Kim Flick,
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|--|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 15/18) | | |
| <input type="checkbox"/> OTHER: | | |



Zoning Designation



8.3 A3 : Rural – Small Holdings

8.3.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre, major** as an additional use. *(Bylaw 5467)*

8.3.2 Primary Uses

- **agriculture**
- **animal clinics, major**
- **animal clinics, minor**
- **aquaculture**
- **campsites, tourist**
- **care centre, major** *(use is only permitted with the A3c sub-zoning district)*
- **emergency protective services**
- **farmers' market**
- **golf courses**
- **greenhouses and plant nurseries**
- **guide and tour services**
- **single detached housing**
- **stables and riding academies**
- **utility services, minor impact**
- **zoo or botanical gardens**

8.3.3 Secondary Uses

- **agricultural or garden stands**
- **agricultural dwellings, additional**
- **bed and breakfast homes** *(in single detached housing only)* **or agri-tourist accommodation**
- **boarding rooms** *(Bylaw 5440)*
- **brewing or distilling, Class A**
- **care centres, minor**
- **home based businesses, rural**
- **home based businesses, minor**
- **home based businesses, major**
- **kennels**
- **second kitchens**
- **wineries and cideries**

8.3.4 Subdivision Regulations

- Minimum **lot width** is 24.0m
- Minimum **lot area** is 2.0ha (5 acres)

8.3.5 Development Regulations

- The maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- The maximum **height** is the lesser of 9.5m or 2.5 **storeys**, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**.
- The minimum **front yard** is 6.0m.
- The minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- The minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**.
- No more than one residential unit per lot.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in **residential zones**.

8.3.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- When a **home based business** of any type involves the cutting and wrapping of wild game and/or the butchering of domestic meat, the **lot** must have a minimum **lot area** greater than 0.33ha (0.6 acre).
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m².
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations where in the **ALR**.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) and shall not exceed 10 bedrooms, campsites or recreational **vehicle pads**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific **use** regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.

Lands within the **ALR** may also be affected by additional regulations of the ***Agricultural Land Commission***.

- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".

(Bylaw 5440)

9.2 R1 : Estate Lot Residential

9.2.1 Purpose

The purpose is to provide a **zone for single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.

- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.2.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. (*Bylaw 5467*)
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(*Bylaw 5440*)



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: May 28, 2018
REPORT DATE: April 23, 2018
FILE: DVP00422

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 8853 ADVENTURE BAY ROAD

PURPOSE:

To review the development variance permit application for 8853 Adventure Bay Road to vary Section 4.16 of Zoning Bylaw #5000 in order to allow for subdivision and construction on lands with slopes in excess of 30%.

RECOMMENDATION:

THAT Council support the development variance permit application to vary Section 4.16 of Zoning Bylaw #5000 to allow for subdivision and construction on lands with slopes in excess of 30% on Lot 2, Plan 27137, DL 298, ODYD (8853 Adventure Bay Road).

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the development variance permit application to vary Section 4.16 of Zoning Bylaw #5000 to allow for subdivision and construction on lands with slopes in excess of 30% on Lot 2, Plan 27137, DL 298, ODYD (8853 Adventure Bay Road);

AND FURTHER, that Council's support of DVP00422 is subject to the following:

- a) *To be cited by Council.*

Note: This alternative supports the development variance application as requested by the applicant, subject to other conditions as cited by Council.

2. THAT Council not support the development variance permit application to vary Section 4.16 of Zoning Bylaw #5000 on Lot 2, Plan 27137, DL 298, ODYD (8853 Adventure Bay Road).

Note: This alternative does not support the development variance application. The owner would have to develop the property in accordance with the bylaws, and the subdivision as proposed, containing 8 lots with four duplex buildings, would not be viable.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 15, 2018, the Advisory Planning Committee adopted the following resolution:

“

“

B. Rationale:

1. The subject property at 8853 Adventure Bay Road, as shown on Figures 1 and 2, is designated Residential Low Density (RLD) in the Official Community Plan (OCP). The property, which is zoned Four Plex Housing Residential (R5) as per Zoning Bylaw #5000, allows for a theoretical maximum density of 30 units per gross hectare (12 units per acre), however the site is constrained by topography and lot configuration. The site is 4066m² in size, and double fronting on Adventure Bay Road, with both east and west lot lines abutting Adventure Bay Road.
2. The subject application is to vary Section 4.16 of Zoning Bylaw #5000 in order to allow for subdivision and construction on lands with slopes in excess of 30%. See Attachment 1: Section 4.16 Hillside Development Areas (Zoning Bylaw #5000).
3. A site inspection confirms that the areas in excess of 30% slope shown on Attachment 2 (Topo Plan dated October 11, 2017 prepared by J. Shortt), appear to be previous disturbances resulting from the earlier development of the existing residence and the servicing of the adjacent strata development. Figures 3 and 4 illustrate the nature of the existing slopes on the property.
4. With the exception of these disturbed areas, the average slope of the property is less than 30%.
5. The proposed subdivision and development of four duplexes on eight fee simple lots would provide for the more efficient use of this large parcel. Figures 5 and 6 provide conceptual views of the proposed development. The existing land uses in the area range from large lot single family dwellings to strata titled lakefront condos.
6. Subdivision Application SUB00622 is being processed concurrently with this DVP application. A Preliminary Layout Review (PLR) letter has been issued, which expires on June 30, 2018. The subdivision process addresses technical issues including infrastructure upgrades, geotechnical reports, and park dedication or cash in lieu. The subject DVP is a condition of the PLR.

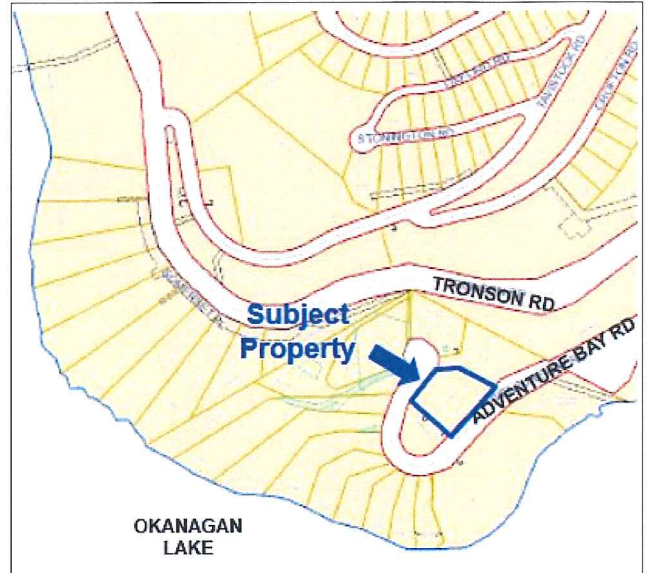


Figure 1 – Property Location Map



Figure 2 – Aerial Photo of Property



Figure 3 – Nature of Existing Slope on Property



Figure 4 – Nature of Existing Slope on Property



Figure 5 – Concept Drawing Front View



Figure 6 – Concept Drawing North Side View

C. Attachments:

Attachment 1 – Section 4.16 Hillside Development Areas (Zoning Bylaw #5000)

Attachment 2 – Topo Plan dated October 11, 2017 prepared by J. Shortt

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following deliverable in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated Residential Low Density (RLD) in the OCP.
2. The property is zoned Four-plex Housing Residential (R5) in accordance with Zoning Bylaw #5000. Four duplexes are proposed.

- 3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:



Craig Broderick
May 11 2018 10:10 AM 

Craig Broderick
Manager, Current Planning

Approved for submission to Council:

Will Pearce, CAO

Date: _____

Right-click to sign
with 

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 15, 2018) | | |
| <input type="checkbox"/> OTHER: | | |

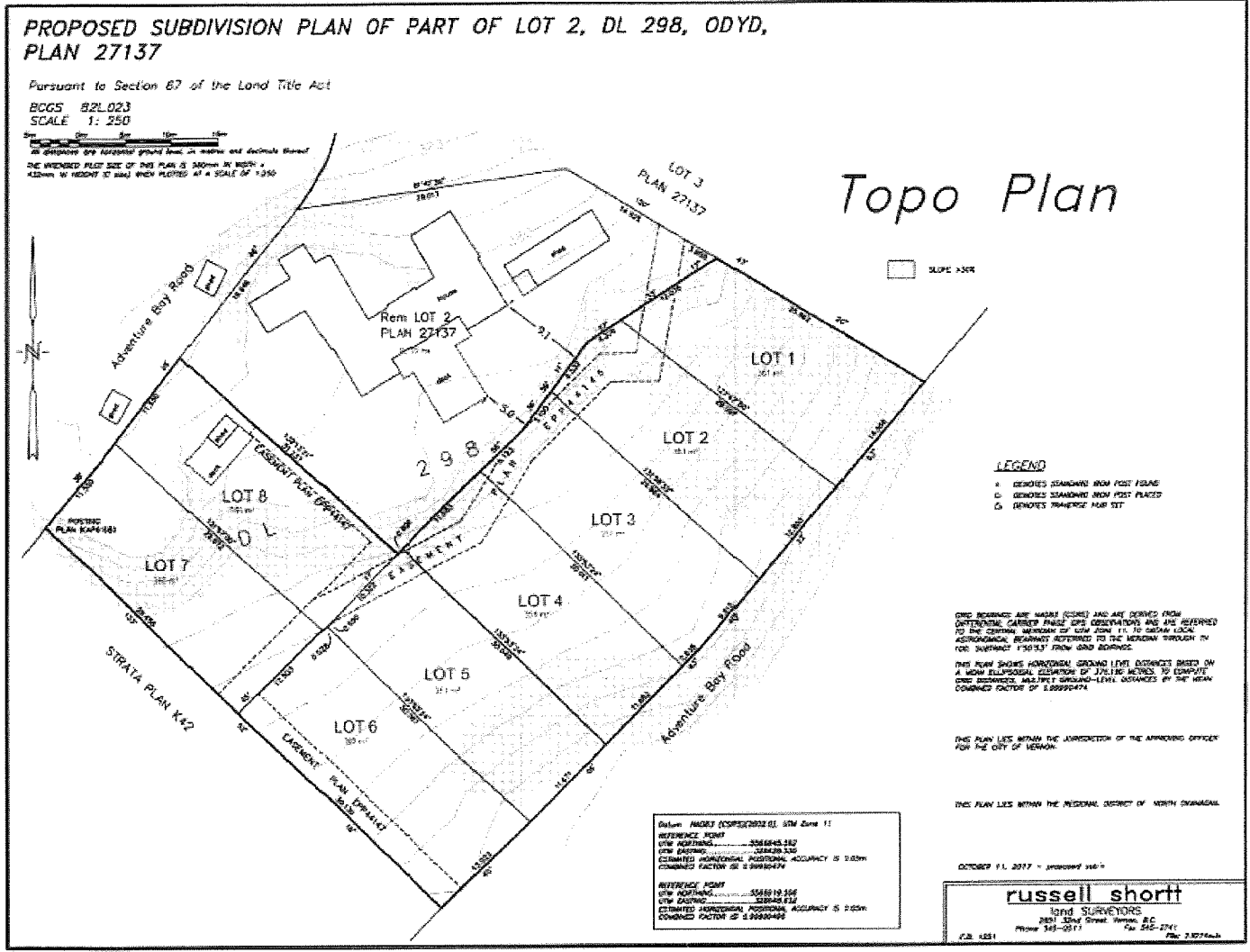
Section 4.16 Hillside Development Areas (Zoning Bylaw #5000)

4.16 Hillside Development Areas

4.16.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Hillside Guidelines and Regulations Policy defines hillsides and provides Goals and Objectives for development of lands on hillsides and slopes under 30%. No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

4.16.2 No subdivision of land creating lots is permitted where less than 100m² of contiguous buildable area which meets all bylaw regulations herein for each lot is provided, with the exception of boundary lot adjustments.
(Bylaw 5433)

Topo Plan dated October 11, 2017 prepared by J. Shortt





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Hazel Christy
Planner
Craig Broderick
Manager, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 11, 2018
REPORT DATE: May 8, 2018
FILE: LUC00013/DVP00421

SUBJECT: **LAND USE CONTRACT DISCHARGE AND DEVELOPMENT VARIANCE PERMIT
APPLICATION FOR 9238 CHINOOK ROAD**

PURPOSE:

To review the application to discharge the land use contract from 9238 Chinook Road and review the Development Variance Permit application to vary Zoning Bylaw #5000 to allow a secondary building to locate in a front yard to enable the construction of a secondary building for use as a garage/studio.

RECOMMENDATION:

THAT Council support the application to discharge Bylaws #291 and #292 respecting Land Use Contract (LTO #P2461) from the title of Lot 17, Sec 11, Twp 13, ODYD, Plan 31060 (9238 Chinook Road) and allow the property to be governed by Zoning Bylaw #5000;

AND FURTHER, that Bylaws #291 and #292, being bylaws to designate the subject lands as a Development Area and to authorize the Regional District of North Okanagan to enter into a Land Use Contract, be repealed;

AND FURTHER, that Council support the Development Variance application (DVP00421) for Lot 17, Sec 11, Twp 13, ODYD, Plan 31060 (9238 Chinook Road) to vary:

- a) Section 4.5.4 to allow the location of a secondary building in the front yard;
- b) Sections 4.5.6 and 9.2.5 to allow a secondary building to exceed the lesser of 4.5m or one storey in height, to a maximum of 7.6m and one and a half storeys in height; and
- c) Section 9.2.5 to reduce the minimum front yard setback from 7.5m to 4.5m.

subject to the following:

- a) That the site plan and building elevation plans generally shown as Attachment 1 in the report titled "Land Use Contract Discharge and Development Variance Permit Application for 9238 Chinook Road" dated May 8, 2018 by the Manager, Current Planning, be attached to and form part of Development Variance Permit DVP00421 as Schedule 'A'; and
- b) That a Section 219 Covenant (Wildfire) in favour of the City of Vernon be registered on the title of the subject lands.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application to discharge Bylaws #291 and #292 respecting Land Use Contract (LTO #P2461) from the title of Lot 17, Sec 11, Twp 13, ODYD, Plan 31060 (9238 Chinook Road) and allow the property to be governed by Zoning Bylaw #5000;

AND FURTHER, that Bylaws #291 and #292, being bylaws to designate the subject lands as a Development Area and to authorize the Regional District of North Okanagan to enter into a Land Use Contract, be repealed;

AND FURTHER, that Council support the Development Variance application (DVP00421) for Lot 17, Sec 11, Twp 13, ODYD, Plan 31060 (9238 Chinook Road) to vary:

- a) Section 4.5.4 to allow the location of a secondary building in the front yard;
- b) Sections 4.5.6 and 9.2.5 to allow a secondary building to exceed the lesser of 4.5m or one storey in height, to a maximum of 7.6m and one and a half storeys in height; and
- c) Section 9.2.5 to reduce the minimum front yard setback from 7.5m to 4.5m.

subject to the following:

- a) That the site plan and building elevation plans generally shown as Attachment 1 in the report titled "Land Use Contract Discharge and Development Variance Permit Application for 9238 Chinook Road" dated May 8, 2018 by the Manager, Current Planning, be attached to and form part of Development Variance Permit DVP00421 as Schedule 'A';
- b) That a Section 219 Covenant (Wildfire) in favour of the City of Vernon be registered on the title of the subject lands; and
- c) *(to be cited by Council).*

Note: This alternative supports the requested variances subject to conditions set out by Council.

- 2. THAT Council not support the application to discharge Bylaws #291 and #292 respecting Land Use Contract (LTO #P2461) from the title of Lot 17, Sec 11, Twp 13, ODYD, Plan 31060 (9238 Chinook Road) and allow the property to be governed by Zoning Bylaw #5000.

Note: This alternative does not support the discharge of the Land Use Contract which would not allow consideration of the requested variances resulting in the subject development not being able to proceed as proposed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 15, 2018, the Advisory Planning Committee (APC) passed the following resolution:

.....

B. Rationale:

1. The subject property is located at 9238 Chinook Road, as shown on Figures 1 and 2. It is located in Sunset Properties, a small rural subdivision created by Land Use Contract in the 1970s in the southwestern area of the city, outside of a designated neighbourhood planning area. The Official Community Plan designation for this property is Residential Low Density, and the underlying zoning is R 1 Estate Lot Residential. If the Land Use Contract were to be discharged, the R1 zoning would be in effect.

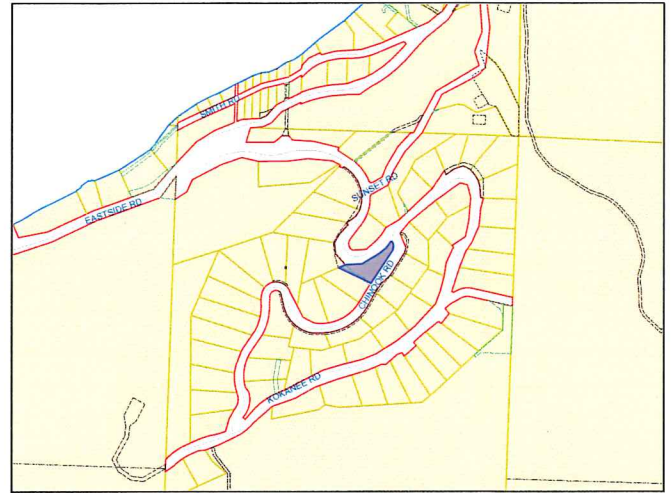


Figure 1 - Property Location Map

2. The existing use, single detached housing, is a permitted use within the R1 Zoning District. The intent of this application is to enable the construction of a one and a half storey secondary building, with walk out basement, which will include a garage on the upper floor and a pottery studio on the lower floor. Because of the triangular shape of the lot, bounded by Chinook Road on three sides, as well as the nature of the topography in this area, available building sites for a secondary building are limited. The proposed location was carefully selected to allow for minimal property disturbance, reduce visual impacts and preserve existing mature vegetation. A Development Variance Permit application to Zoning Bylaw #5000 to allow the proposed siting of the secondary building may be considered by Council, however the existing Land Use Contract must be discharged to enable this process. The application of the R1 Zoning District to this property does not create issues of non-conformity for the use, in fact it addresses the existing legal non-conformity of the siting of the single detached house, bringing it into conformity with the R1 Zone.



Figure 2 – Aerial Photo of Property

3. Land use contracts were widely used in B.C. from 1971 to 1977. They essentially formed site specific zoning and development regulations. The use of land use contracts was discontinued in 1977.

Under Bill 17, the Miscellaneous Statutes Amendment Act 2014, all land use contracts in the province will be automatically terminated and deemed to be discharged from title as of June 30, 2024. There are numerous land use contracts in place within the City of Vernon. Administration has been working with applicants to discharge the land use contracts as those properties come forward for redevelopment or improvements, such as the subject application.

4. Administration supports the discharge of the Land Use Contract and the variances requested for the following reasons:

- a) Provincial legislation will terminate all Land Use Contracts in the province on June 30, 2024; and
- b) The design and location of the secondary building are consistent with the neighbourhood and respects the sloping nature of the property.

C. Attachments:

- Attachment 1 – Site Plan and Building Elevations
- Attachment 2 – Zoning Bylaw #5000 Section 9.2 Estate Lot Residential Zone
- Attachment 3 – Bylaws #291 and #292 Land Use Contract (LTO #P2461)
- Attachment 4 – Letter from Applicant dated December 19, 2017
- Attachment 5 – Support from neighbourhood residents
- Attachment 6 – Site photographs
- Attachment 7 – Conceptual landscaping plan

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. The Official Community Plan (OCP) designates the property as Low Density Residential.
2. If the discharge of the Land Use Contract is supported, the following sections of Zoning Bylaw #5000 would apply to the subject DVP application:
 - a) Section 4.5.4. to allow the location of a secondary building in the front yard;
 - b) Section 4.5.6. to allow a secondary building to exceed the lesser of 4.5 m or one storey in height, to a maximum of 7.6 m and one and a half storeys in height;
 - c) Section 9.2.5. to reduce the minimum front yard setback from 7.5 m to 4.5 m; and
 - d) Section 9.2.5. to increase the maximum height of a secondary building from 4.5 m to 7.6 m.
3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Craig Broderick

Craig Broderick
May 11 2018 10:19 AM DocuSign

Craig Broderick
Manager, Current Planning

Approved for submission to Council:

Will Pearce, CAO

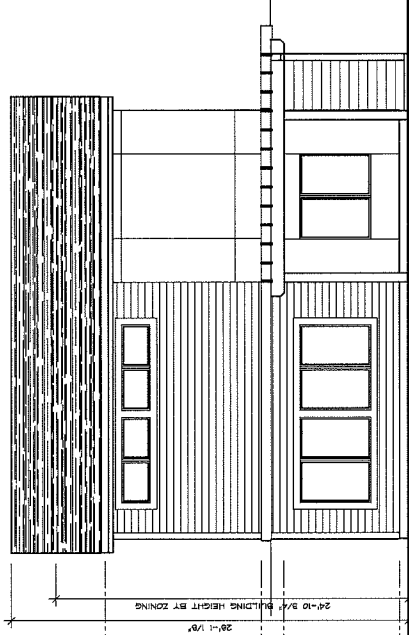
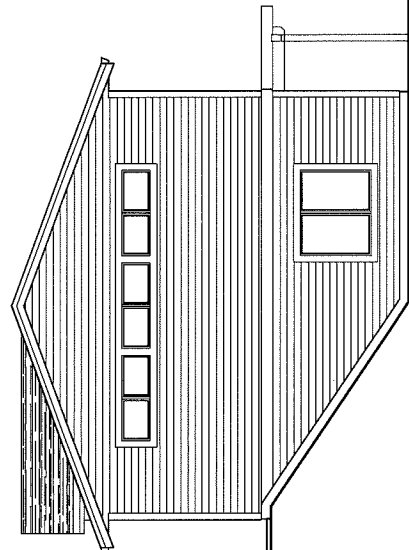
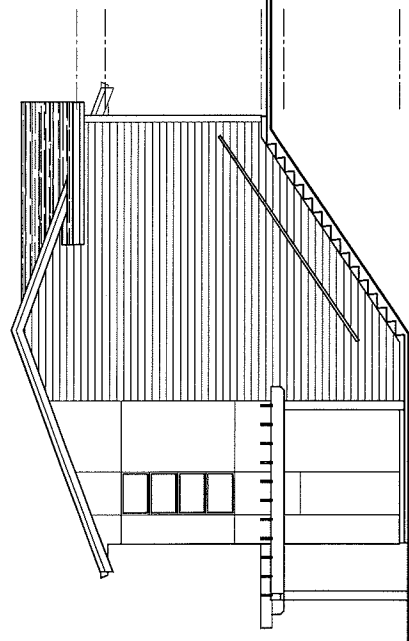
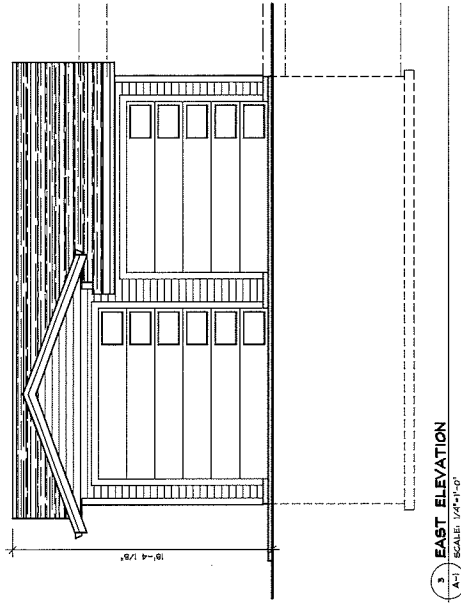
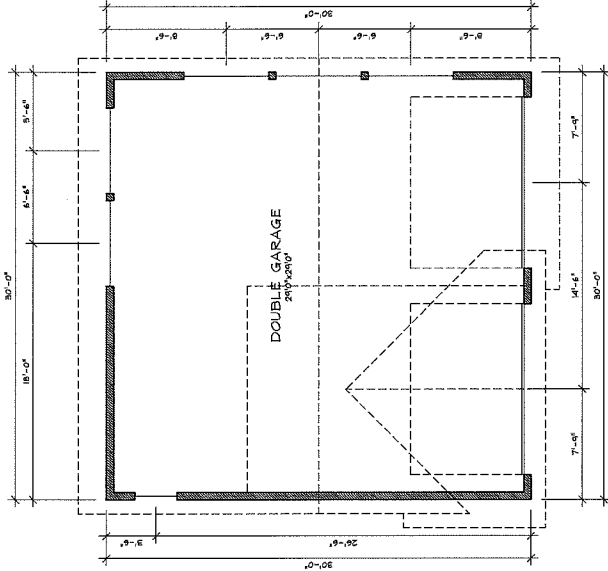
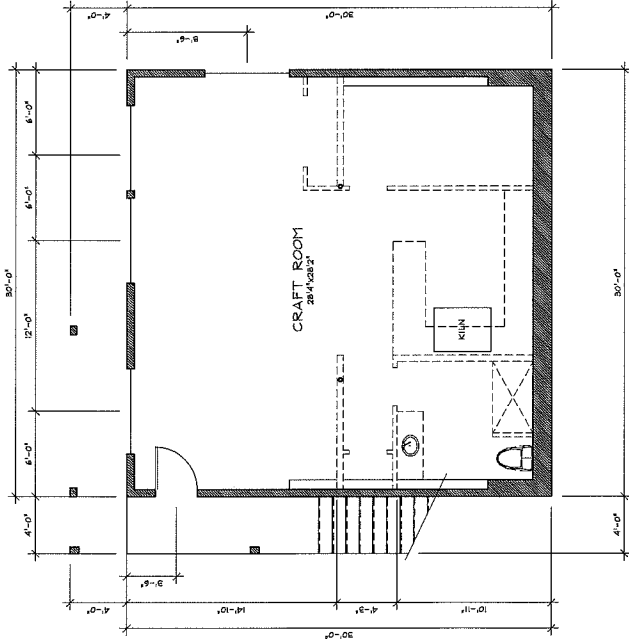
Date: _____

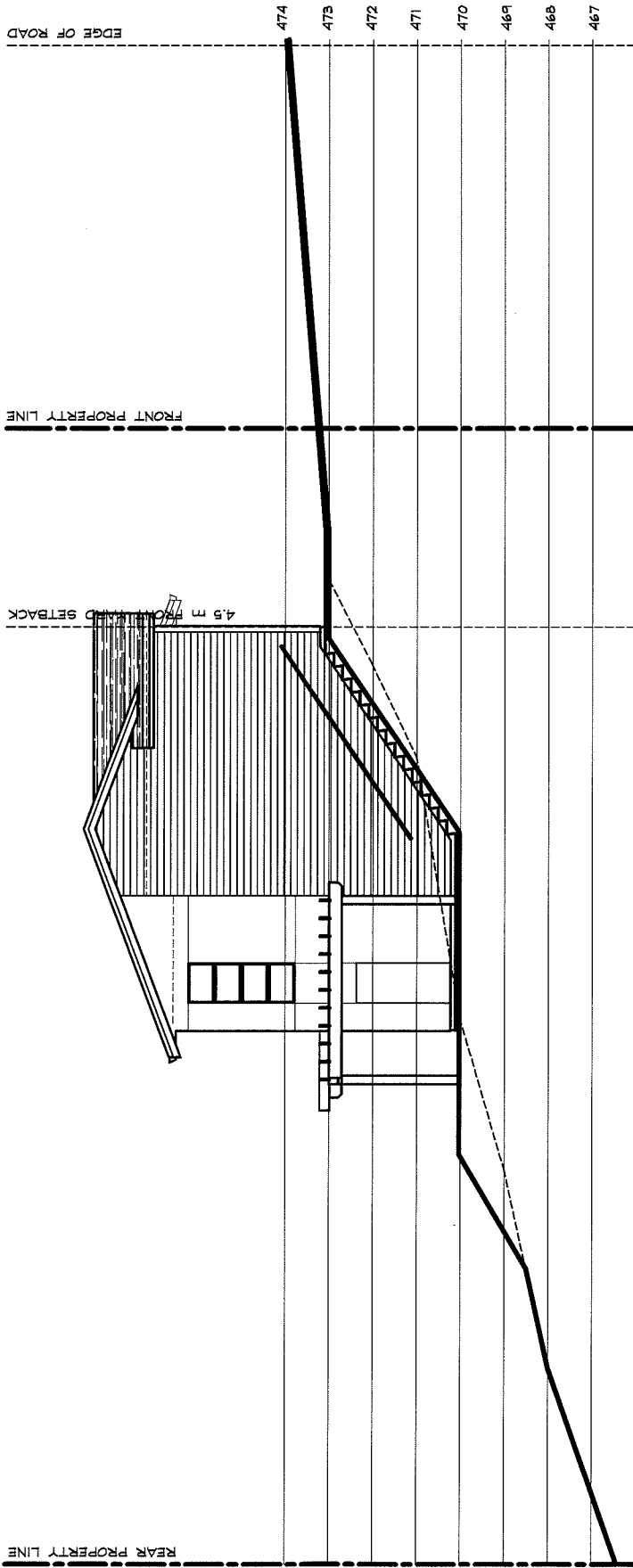
Right-click to sign
with **DocuSign**

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 15, 2018) | | |
| <input type="checkbox"/> OTHER: | | |





1 CROSS SECTION THROUGH LOT 6 GARAGE
 A2 SCALE 1/8"=1'-0"



9.2 R1 : Estate Lot Residential

9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.2.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

REGIONAL DISTRICT OF NORTH OKANAGAN RECEIVED

BY-LAW NO. 292

A By-law to amend Zoning By-law No. 229

REGISTRY OF
KAMLOOPIS

July 15 13:38 2461

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) Pursuant to the provisions of Section 702A (2) and 798A (3) of the Municipal Act being Chapter 255 R.S.B.C. 1960, the NW 1/4, Section 11, Township 13, O.D.Y.D., except that part included on Plan 3836, and the W 1/2 of SW 1/4, Section 11, Township 13, O.D.Y.D. is hereby designated a development area.
- (2) This By-law may be cited as "Rezoning By-law No. 292, 1978, No. 10".

READ A FIRST TIME this 25th day of October, 1978.

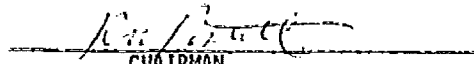
READ A SECOND TIME this 25th day of October, 1978.

READ A THIRD TIME this 25th day of October, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 13th day of December, 1978.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.


SECRETARY-TREASURER


CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 292 cited as "Rezoning By-law No. 292, 1978, No. 10" as read a third time by the Regional Board on the 25th day of October, 1978.


SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 292 cited as "Rezoning By-law No. 292, 1978, No. 10" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979.


SECRETARY-TREASURER

FEB 05 1979
Registered the 13th Day of January, 1979 on Application received at the Time of receipt or Stamped on the Application.

APPROVED pursuant to the provisions of section 940 of the "Municipal Act" this 13th day of January, 1979.

Minister of Municipal Affairs
APPROVAL No. 7811805 000500 - 2

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 291

A By-law for the ratification of an agreement with Harold J. Sigalet to provide for the development of certain lands

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) The Agreement made between the Regional District of North Okanagan and Harold J. Sigalet to provide for the development of

NW 1/4, Section 11, Township 13, O.D.Y.D., except that part included on Plan 3836, and the W 1/2 of SW 1/4, Section 11, Township 13, O.D.Y.D.

AND attached hereto as Appendix "A" is hereby ratified and the Chairman and Secretary are hereby authorized to execute same on behalf of the Regional District.

- (2) This By-law may be cited as "Land Use Contract Agreement By-law No. 291, 1978, No. 6".

READ A FIRST TIME this 25th day of October, 1978,
 READ A SECOND TIME this 25th day of October, 1978.
 READ A THIRD TIME this 8th day of November, 1978.

Advertised on the 31st day of October, 1978 and the 1st day of November, 1978 and a Public Hearing held pursuant to the provisions of Section 798A (3a) of the Municipal Act on the 8th day of November, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 13th day of December, 1978.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.


SECRETARY-TREASURER


CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 291 cited as "Land Use Contract Agreement By-law No. 291, 1978, No. 6" as read a third time by the Regional Board on the 8th day of November, 1978.


SECRETARY-TREASURER

1979
Registered
at the District Office
on the Application.

I hereby certify the foregoing to be a true and correct copy of By-law No. 291 cited as "Land Use Contract Agreement By-law No. 291, 1978, No. 6" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979 upon affirmative vote in accordance with the provisions of Section 778(2) of the Municipal Act.


SECRETARY-TREASURER

THIS LAND USE CONTRACT numbered for reference 14 - 76 and dated for reference the 18 day of October , 1978.

BETWEEN:

THE REGIONAL DISTRICT OF NORTH OKANAGAN,
A regional District incorporated under the laws of the Province of British Columbia, and having an office at 2903 - 35th Avenue, in the City of Vernon, Province of British Columbia,

(hereinafter called the "District")

OF THE FIRST PART

AND:

JAMES X
HAROLD X. SIGALET, Lumberman,
of R. R. # 6, Ellison Park Road,
in the City and Province aforesaid,

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS

A. The District pursuant to Section 702A and 798A of the Municipal Act, may, with the approval of the Lieutenant-Governor in Council, notwithstanding any By-Law of the District or Section 712 or 713 of the Municipal Act upon the application of an owner of land within a development area designated as such by By-Law of the District, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

RECEIVED
County of...
on the application.

- 2 -

B. The Municipal Act requires that the Regional Board in exercising the powers given by Section 702A shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any land development contract and the terms, conditions and considerations thereof;

C. The Developer has presented to the District a scheme of use and development of the within described lands and premises and has made application to the District to enter into this Land Use Contract under the terms, conditions and for the consideration hereinafter set forth;

D. A Land Use Contract is deemed to be a zoning By-Law for the purposes of the Controlled Access Highways Act and if the land is so situated that it is subject to such Act, the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the District can enter into same;

E. The Developer acknowledges that he is fully aware of the provisions and limitations of Sections 702A and 798A of the Municipal Act, and the District and Developer mutually acknowledge and agree that the Regional Board of the District cannot enter into this Agreement until the Regional Board has held a public hearing thereon, in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing, and a majority of all the Directors having among them a majority of all the votes of the Regional Board vote in favour of the District entering into this contract, and unless and until the Minister of Municipal Affairs has approved the By-Law of the District authorizing the District to enter into this contract.

- 3 -

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the District and the Developer represent, covenant and agree as follows:

Developer's Representations

1. The Developer represents and warrants as follows:

1.1 The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises situate, lying and being in the Vernon Assessment District, in the Province of British Columbia, and being more particularly known and described as:

M5242^F
M5243^F

The North West Quarter (¼) of
Section Eleven (11)
Township Thirteen (13)
Osoyoos Division Yale District
except that part included on plan 3836,
and,
the West half (½) of the South West Quarter (¼),
Section Eleven (11)
Township Thirteen (13)
Osoyoos Division Yale District

(hereinafter called the "Lands")

1.2 No other person or entity holds any registered interest in the Lands.

Developer's Covenants

2. The Developer covenants and agrees as follows:

2.1 That the Lands, including the surface of water, and any and all buildings, structures and improvements erected thereon, thereover or therein shall be used for the purpose specified in Schedule "A" hereto and for no other purpose.

2.2 That no Lands shall be subdivided except in compliance with and according to the plans and particulars set out in Schedule "B" hereto.

2.3 To construct or cause to be constructed all roads shown as such on Schedule "B" hereto in accordance with such standards of construction and other requirements as may be

specified by the Ministry of Highways ("Ministry") for the Province of British Columbia, and to deposit with the Ministry such sum or sums of money or other security as may be required by the Ministry with respect to the construction of roads within any subdivision of the Lands.

2.4 To construct and install such works and services on the Lands and to grant such easements as may be required by the Ministry to ensure proper drainage of the Lands.

2.5 To ensure that each lot within any subdivision of the Lands is supplied with domestic water, and to construct and install or cause to be constructed and installed a domestic water system to supply each lot in accordance with the specifications set out and described in Schedule "C" hereto and in accordance with such other plans and specifications as may be required by any governing authority of the Government of the Province of British Columbia.

2.6 That he will not sell, lease or otherwise dispose of any lot of any subdivision of the Lands until such time as the domestic water system referred to in Paragraph 2.5 above and described in Schedule "C" hereto is fully constructed and installed in accordance with the terms of this Agreement. Except that the Developer shall not be prohibited from mortgaging the Lands.

2.7 To deposit, after the Public Hearing, with the Comptroller of Water Rights, Water Utilities Act such sum or sums of money or other security as may be required by the Comptroller to ensure and secure the construction and installation of the domestic water system referred to in Paragraphs 2.5 and 2.6 above and in Schedule "C" hereto.

- 5 -

2.8 To ensure that each lot within any subdivision of the Lands is supplied with electrical power and to enter into such agreements with British Columbia Hydro and Power Authority as may be necessary to ensure performance of this covenant by the Developer including the depositing of such sum or sums of money with British Columbia Hydro and Power Authority as may be required by the said Authority.

2.9 To ensure that each lot within any subdivision of the Lands is supplied with telephone services and to enter into such agreements with the Okanagan Telephone Company including the deposit of such sum or sums of money as may be required by the said Company to ensure performance of this covenant by the Developer.

2.10 To pay all the District's reasonable costs including reasonable legal fees and disbursements incurred directly or indirectly as a result of the preparation and registration of this Land Use Contract and any By-Law required to implement the terms hereof.

2.11 To indemnify and save harmless the District and its servants, agents and employees from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought or made against the District or its servants, agents and employees, resulting directly or indirectly from the failure of the Developer to perform his covenants herein contained.

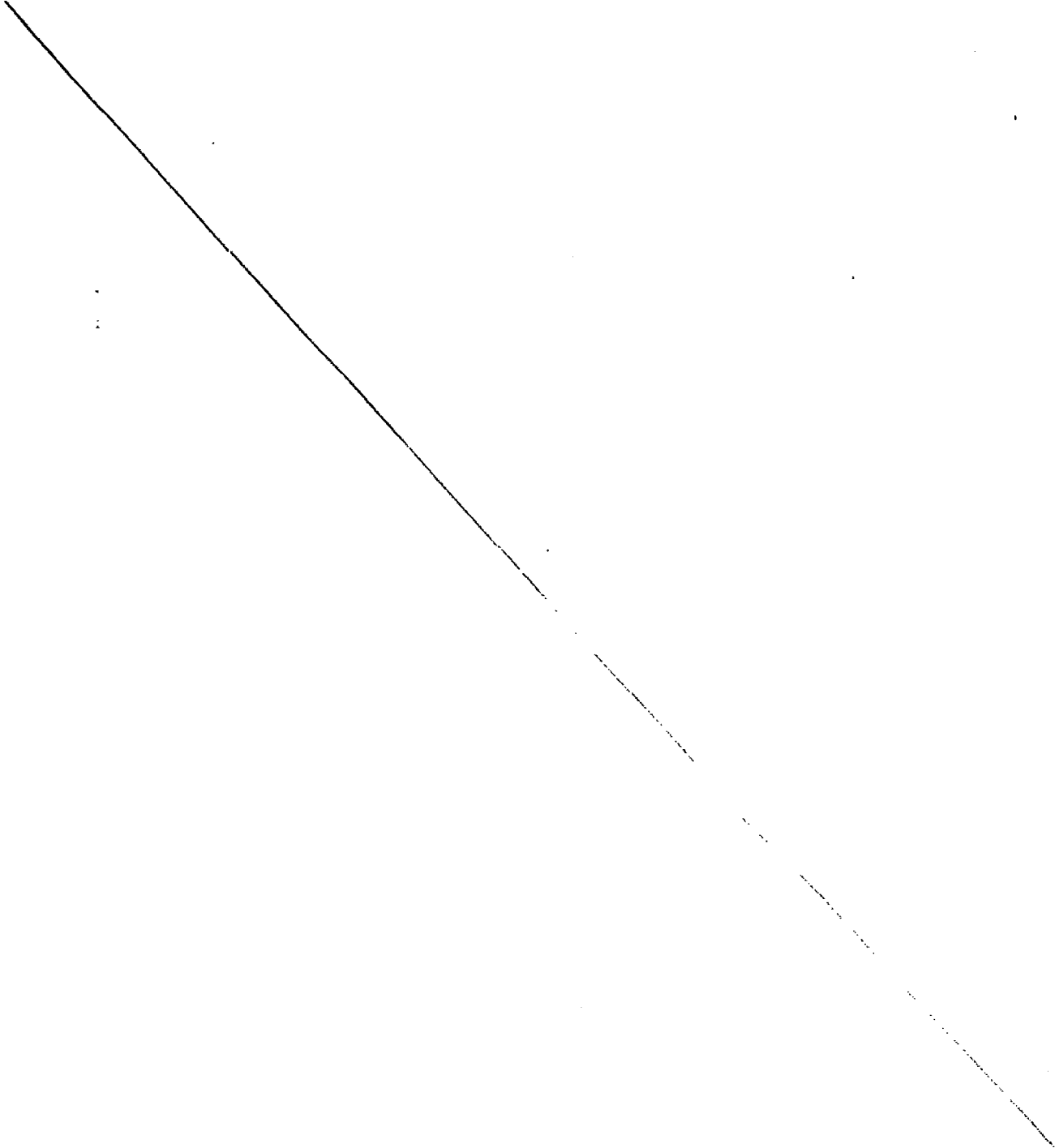
2.12 To retain title in and to those portions of the Lands which are outlined in green on Schedule "B" (hereinafter referred to as the "Green Lands"). The District agrees that the Developer, his heirs, successors and assigns shall have the full right and title to sell, assign and otherwise deal with the said Green Lands, subject only to an easement permitting the owners of the lots or parcels created by the subdivision referred to in paragraph 2.2 in Schedule "B", the right to pass and re-pass at any time over the Green Lands, excluding the portion of the Green

- 5A -

Lands situate on that part of the Lands described as:

The West half of the South-west quarter,
Section 11,
Township 13,
O.D.Y.D.

2.13 To register a Statutory Building Scheme against the Lands containing, inter alia, the restrictions numbered 4 and 5 of Schedule "A" hereto.



ADDENDUM TO

Land Use Contract numbered for reference 14 - 76

It is the intention to cancel Section 2.14 of the Land Use Contract numbered for reference 14 - 76 made between the Regional District of North Okanagan and Harold Sigalet, and to substitute the following as Section 2.14:

" The Developer covenants and agrees to contribute to the District the sum of \$33,500.00 which the District covenants and agrees to use for the acquisition of development of lands or other facilities for park, recreation or other public use. "

- 6 -

2.14 To deposit with the District the sum of Sixty-Seven Thousand (\$67,000.00) Dollars (hereinafter called the "Highway Improvement Contribution") upon deposit of the subdivision plan required pursuant to Paragraph 2.2 in the Kamloops Land Registry Office. The District shall hold the Highway Improvement Contribution in an interest bearing account, the principal of which and interest earned thereon to be released only for the following purposes:

- (a) Contribution to the construction of a by-pass of the portion of Okanagan Landing Road from Norman's Store, Okanagan Landing, British Columbia, south for a distance of One point four (1.4) miles to the intersection of Okanagan Landing Road and Peters Road; or
- (b) Contribution to the construction of improvements to the above mentioned portion of Okanagan Landing Road.

Provided that in the event the District does not release the Highway Improvement Contribution pursuant to either (a) or (b) above on or before Five (5) years from the date of deposit of the Highway Improvement Contribution then the District shall forthwith release the Highway Improvement Contribution, plus accumulated interest earned thereon, to the Developer.

District's Covenants

3. The District hereby covenants and agrees with the Developer to permit the Developer to use the Lands in accordance with the terms and conditions herein contained.

Mutual Covenants and Agreements

4. It is mutually understood and agreed as follows:

4.1 Schedules "A" to "C" inclusive attached hereto are hereby incorporated into and made part of this Land Use

- 7 -

Contract.

4.2 Subject to the terms, covenants, and conditions herein contained, the use and development of the Lands shall comply with all the By-Laws of the District.

4.3 The District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Land Use Contract.

4.4 The Developer acknowledges that the execution of this Land Use Contract by the District and registration of this Land Use Contract does not, without more, permit a subdivision of the Lands, and in order to effect a subdivision of the Lands the Developer must first comply with all the provisions of the Land Registry Act of British Columbia and obtain the written approval of the appropriate Approving Officer for the Ministry.

4.5 All highways, bridges, culverts, lanes and walkways including drainage, surfacing, curbs, gutters, storm sewers, sidewalks, street lighting, boulevards and street signs shall, upon deposit in the Kamloops Land Registry Office of the subdivision plan made pursuant to this Land Use Contract, become the property of the Ministry, free and clear of any and all claims by the Developer and any person claiming through the Developer and the Developer shall, and hereby agrees to save harmless, the Ministry from any and all such claims.

Interpretation

5. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties

- 7 a -

so require.

6. The headings of the clauses of this Land Use Contract have been inserted for reference only and do not define, limit or alter or enlarge the meaning of any provision in this Land Use Contract.

General

7. This Land Use Contract shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. This shall be the Agreement between The Regional

District of North Okanagan and Harold J. Sigalet as it exists at the execution of this Agreement and it is further agreed that all previous communications and negotiations between the parties and all previous agreements between them, whether verbal or written, not herein contained and affirmed, are hereby withdrawn, annulled and rescinded.

IN WITNESS WHEREOF Harold J. Sigalet has hereunto set his hand and seal and the District has hereunto affixed its corporate seal in the presence of its duly authorized officers in that behalf on the day and year set forth beside their respective signatures below.

SIGNED, SEALED AND DELIVERED)
on the 19 day of October)
1978 in the presence of:)

Harold J. Sigalet)
Name 2917-61st Ave)
Vernon BC)
Address)
Solicitor)
Occupation)

Harold J. Sigalet)
Harold J. Sigalet)
James)

The Common Seal of the)
REGIONAL DISTRICT OF THE)
NORTH OKANAGAN, was affixed)
on the 10 day of January)
1979 in the presence of:)

[Signature])
CHAIRMAN Title)
[Signature])
SECRETARY - TREASURER Title)

SCHEDULE "A"

To Land Use Contract No.: 14 - 76

Subdivision

1. No lot or parcel in the lands created by the subdivision referred to in paragraph 2.2 and Schedule "B" (hereinafter called the "Lot") shall be subdivided or partitioned into two or more Lots or any Lots or any Lots consolidated into one or more Lots.

Permitted uses

2. The following uses, as defined by the by-laws of the District and no others shall be permitted;

- (a) Single family dwelling;
- (b) Accessory residential;
- (c) Restricted agricultural.

Buildings per Lot

3. The number of buildings allowed per Lot for each of the above mentioned permitted uses shall be not more than:

- (a) One (1) single family dwelling;
- (b) Two (2) accessory residential buildings;
- (c) Two (2) restricted agricultural buildings.

Floor Area

4. The floor areas shall be as follows:

- (a) The floor area for a single family dwelling shall be not less than 60 m^2 (645.6 square feet).
- (b) The floor area for an accessory residential building shall not be greater than 55 m^2 (591.8 square feet) with no horizontal dimension exceeding 9 m (29.53 feet);

Height of Buildings and Structures

5. The height of buildings and structures shall not exceed:

- (a) 5 m (16.40 feet) for accessory residential use;
- (b) 8 m (26.25 feet) for residential use;
- (c) 10 m (32.81 feet) for restricted agricultural use.

Lot Coverage

6. Lot coverage shall be not greater than thirty percent (30%) of the Lot area.

Off-Street Parking

7. Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of By-law 801 of the By-laws of the District and the number of parking spaces required to be provided on a Lot or Lots, shall be determined by the use or uses being carried on on such Lot or Lots from time to time.

Setbacks

8. (Subject to the special building line setback provisions of Section 407 of the By-laws of the District)

(a) Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than:

- (i) 12 m (39.37 feet) for single family dwellings, and accessory residential use;
- (ii) 15 m (49.21 feet) for restricted agricultural use;
- (iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(b) Other Buildings:

Buildings shall not be sited within 3 m (9.843 feet) of any other building, except that buildings for restricted agricultural use involving the keeping of animals shall not be sited within 30 m (98.43 feet) of any residential dwelling not sited on the same Lot.

(c) Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet), except that rear yards free of all buildings and structures used for keeping of animals shall be provided with a depth of not less than 30 m (98.43 feet) where the use abuts a Residential Zone.

(d) Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 8 m (26.25 feet), except that side yards free of buildings and structures used for keeping animals shall be provided with a width of not less than 30m (98.43 feet) where the use abuts a Residential zone.

Exterior side yards free of buildings and structures shall be provided with a width of not less than:

- (i) 12 m (39.37 feet) for single family dwellings, two family dwellings, mobile homes, and accessory residential use;
- (ii) 15 m (49.21 feet) for restricted agricultural use;
- (iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(e) Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 406 of this By-law.

Restricted Agricultural Use

9. A restricted agricultural use shall be restricted to the cultivation of land and the keeping of animals for the personal use of the owner only, provided that this does not create a nuisance by reason of sound, sight, or smell and shall not include feed lots, mushroom growing, boarding and breeding kennels, or the keeping of swine or fur bearing animals.

Tree Cutting

10. No trees now standing on the Lands shall be cut or removed from the Lands unless the person desiring to cut any tree or trees makes written application to the District Planning Director for a tree cutting permit and states therein the following:

- (a) The reason for the proposed tree cutting;
- (b) The number, species and location of the tree or trees to be cut; and,
- (c) A tree survey if a building permit is being applied for.

10.1 The planning Director may, upon receipt of written application for the reasons therein specified pursuant to paragraph 10(a), issue a tree cutting permit. If the reason so stated pursuant to paragraph 10(a) is for a use pursuant to paragraph 2 herein, the Planning Director shall issue a tree cutting permit.

10.2 For purposes of paragraph 10 "Tree" means:

A member of any evergreen or deciduous species which has only a single leader (trunk) arising from the root mass, which will have a diameter at breast height ("DBH") of not less than 7.5 cm, and which is capable of growing to a height exceeding 3.5 m at maturity, and includes species in clump form having more than one leader per root mass.

SCHEDULE "B"

To Land Use Contract No: 14 - 76

Subdivision Plan as Attached

SCHEDULE "C"

To Land Use Contract No: 14 - 76

Domestic Water System Requirements

1. Water source: Okanagan Lake;
2. Storage reservoir 75,000 imperial gallons;
3. Line sizes, minimum pipe size 4";
4. Normal operating pressures 35 to 90 psi;
5. Fire hydrants to be located so that no lot is more than 500 feet from a hydrant;
6. Water meters installed for each lot;
7. Disinfection: gas chlorination at the primary pipe house followed by 20 minute contact time in the supply main and pump house well;
8. Pumps: Pump House 1, submersible turbines pumping to an elevation of 1,100 feet.

Q = 80 U.S.g pm
TDH = 462 feet
BHP = 15

Pump House 2, booster. Being a turbine pump either in line or from a wet well at an elevation of 1,435 feet pumping to the reservoir elevation of 1,850 feet.

Q = 80 U.S.g pm
TDH = 420 feet
BHP = 20

THE REGIONAL DISTRICT OF
NORTH OKANAGAN

AND
JAMES
HAROLD F. SIGALET

LAND USE CONTRACT

SIGALET, MAGUIRE & ASHBY
BARRISTERS & SOLICITORS

DJS:es2917-31st AVENUE 545-6054
VERNON, B. C.
V1T 2G5

Substitute - Forms 'A', 'C', 'D' & 'E'
Particulars

Applicant: *Sigald & Co*
Address: *2917-31st Ave*
Phone No: *Vernon BC*
Solicitor/Agent for: *HAROLD JAMES SIGALET*
Declared Value: *R.F. LILSON PARK RD*
Nature of Document: *CHARGE* *LAND USE*
Forward duplicate C/T to applicant *CONTRACT*
J. Sigald
Signature of Applicant



7200 Brewer Road, Coldstream, BC V1B 3H3
 Tel, 1-250-545-3971 Cell- 250-306-0310
 Email: info@parsonsfamilyhomes.com

Date: December 19, 2017
 To: City of Vernon
 Re: 9238 Chinook Road

Parsons Family Homes has been asked to construct a garage/shop at the Dow residence at 9238 Chinook Road.

The home is located in Sunset Properties, a small acreage, rural subdivision created in the late 1970's. The homes built there encompass many individual styles and eras of building design. Our clients purchased their home in 2014 and have since completed a series of renovations to bring the home into a more modern era. In both style and energy efficiency. They now wish to build a garage with a pottery studio in the lower floor for the clients small pottery business.

The existing "Land Use Contract" would have to be discharged for this to happen. The existing contract requires a 12 meter front yard and an 8 meter rear yard setback. The present home is set at 7.74 meters rear yard set back, already non-conforming to the LUC but conforms to the R1 Zone. We would like to change this to the City of Vernon R1 zoning with a variance. Under present regulations the front yard setback is supposed to be 7.5 meters. The house then conforms.

The changes we request are:

- 1) Relaxation of regulation 4.5.4. Secondary buildings shall not be permitted in a front yard.
- 2) Relaxation of regulation 9.2.5. Front yard set-back of 7.5 to 4.5 meters for secondary buildings and structures.
- 3) Change to regulation 4.5.6 and section 9.2.5 to increase from 4.5m in height to 7.6m in height. The present LUC regulation allows up to 5 metres.

Our reasoning's are:

- 1) We feel the precedent has already been set allowing secondary buildings in the front yard. Addendum #1 show four different locations in the subdivision where this has already occurred. There are at least three others that we noted. At least two of these garages are of similar size to our proposed building.
- 2) The lot is very irregular, practically triangular in shape making it very difficult to find an area to access.
- 3) If the North face on Kokanee were considered as a rear yard, the steep slope off the road makes it very difficult to access the property. If any building were built from that access it would present a very large building face for the rest of the subdivision to look at.

3) The west side yard would have to be access off a very steep easement road and the building would have to be built in an established wooded area.

4) The boulevards around this lot are over 8 meters wide and have established trees that screen the property from road traffic. Not only is this a very large boulevard but it would give the impression of a larger setback than the 4.5 meters suggest.

The location we have surveyed for the garage is the best location we think possible:

- 1) It is far from the house
- 2) It is level with the road
- 3) It fits the slope of the land 9'0" in the thirty foot length of the garage
- 4) I requires minimal property disturbance
- 5) It is far from existing underground services and septic field.

As the plans show the garage needs to be a two story structure because of the slope of the land.

In addendum #2 we have included a subdivision approval from neighbors that could be concerned about the garage.

In addendum #3 we have included a series of pictures showing the garage location, tree placement and slope of the land to further clarify our statements.

In Addendum #4 we have included a landscape plan

Thank you

Taylor Parsons

Addendum #2

Page 1:

Subdivision plan

- Lot 17 in yellow highlighter represents the property to be built on.
- Plan also shows from letter A-E neighbours that have been consulted.

Page 2:

Approval of build location & design

- Signed neighbour approval, lot number, and approval

(Page 2)

Approval of build location and design.

- | | | | |
|----|---------------------|--------------------------------------|-----------|
| A. | Rick Ashton | 9237 CHINOOK RD. | <u>OK</u> |
| B. | Ron Heinrich | 9241 Chinook Rd | OK |
| C. | Ken Christie | 9246 Chinook Rd | OK |
| D. | Fred von Schellwitz | 9240 - Chinook Rd. | OK |
| E. | Pete Smith | Lot 21 By phone Nov 20, 2017 11:15am | OK |

Addendum # 3

Site photos:

- 1) View South to North on property line showing boulevard width.
- 2) View South to North on edge of road showing boulevard width
- 3) Steel pin with flagging tape and spray mark shows front corner of garage at edge of bank.
- 4) View of bank that garage will be built into.
- 5) View from North to South on property line showing boulevard width.
- 6) View North to South on edge of road showing boulevard width.

2D



1D



Addendum 3



4)



3)



6)

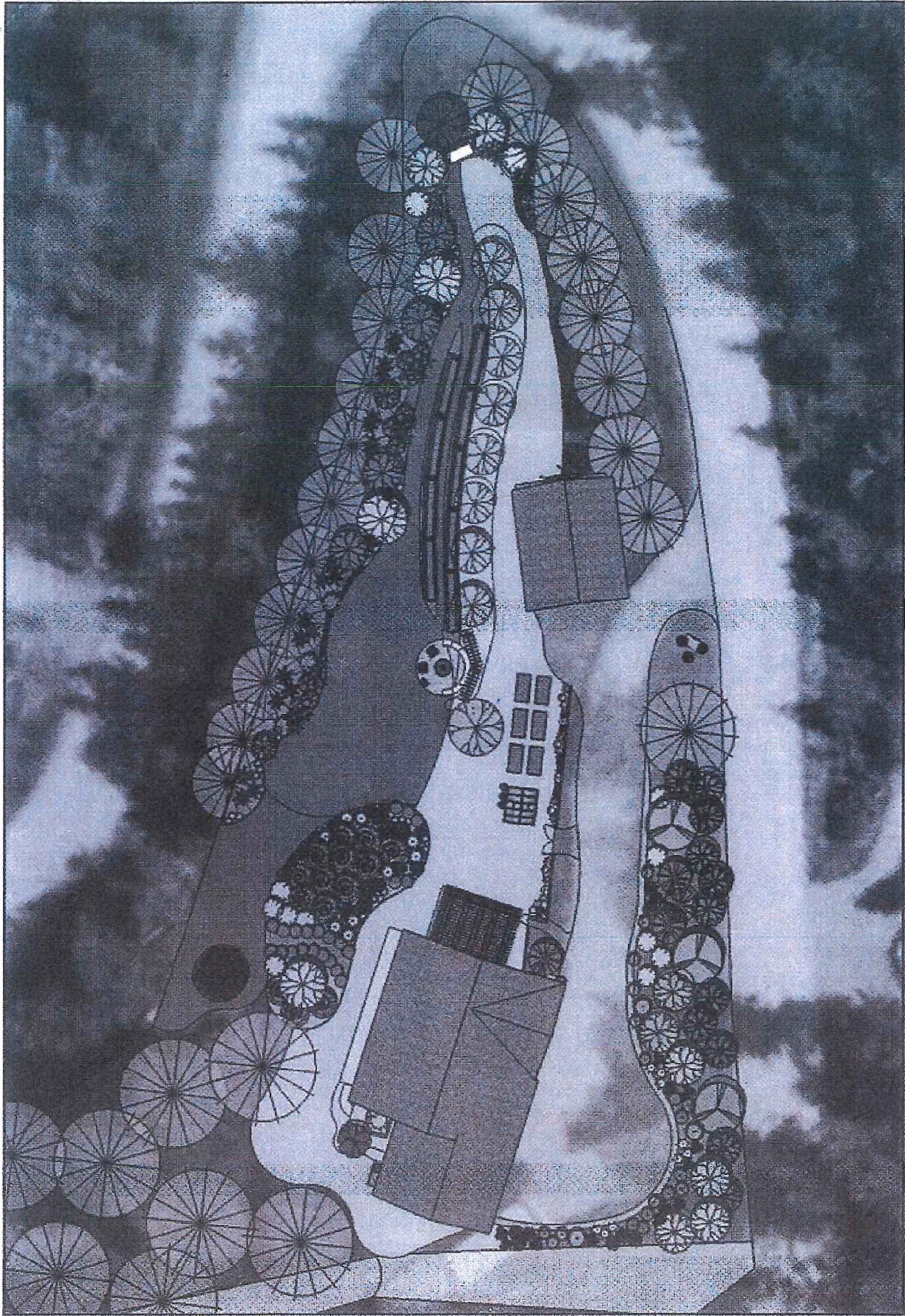


5)

Addendum #4

Landscape Plan

- Placement of garage has moved slightly. This plan is to show that my client intends to landscape around the garage. In hopes that it will be less obvious or obtrusive.



Dow Edible Landscape Site Overview

Dow Edible Landscape Design
Prepared For: Kim & Dana Dow
By: Element Eco-Design



Addendum 4

APC Related Items discussed at Council Meetings:

Council Meeting	Application
February 26, 2018	DVP00418 – 1803 31A Street – issued once all conditions satisfied
March 12, 2018	Bylaw 5621 – 5400 Okanagan Avenue Rezoning – adopted and DVP00382 issued
“	Bylaw 5675 – 5902 Pleasant Valley Road OCP – third reading
March 26, 2018	Bylaw 5676 – 4005 Pleasant Valley Road Rezoning – third reading
April 9, 2018	Bylaw 5676 – 4005 Pleasant Valley Road Rezoning – adopted
April 23, 2018	No APC related items discussed.