



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, JULY 7, 2020 @ 4 P.M.

OKANAGAN LAKE ROOM

A G E N D A

1) ADOPTION OF AGENDA

2) ADOPTION OF MINUTES

June 23, 2020 (attached)

3) NEW BUSINESS:

a) **DVP00479** – Development Variance Permit for 7449 Brooks Lane

4) INFORMATION ITEMS:

a) The Staff Liaison reviewed APC related items discussed at the June 29, 2020 Council meeting.

5) DATE OF NEXT MEETING:

The next meeting is tentatively scheduled for Tuesday, July 21, 2020.

6) ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

TUESDAY, JUNE 23, 2020

PRESENT: VOTING

Larry Lundgren
Doug Neden
Monique Hubbs-Michiel
Phyllis Kereliuk
Mark Longworth
Bill Tarr
Jamie Paterson
Lisa Briggs
Harpreet Nahal
Joshua Lunn

NON-VOTING

Mayor Cumming (Alternate Member)

ABSENT: Councillor Mund (Appointed Member)

Don Schuster

STAFF: Craig Broderick, Manager, Current Planning/Staff Liaison

Ed Stranks, Manager, Engineering Development Services

Janice Nicol, Legislative Committee Clerk

ORDER

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

**ADOPTION OF
AGENDA**

Moved by Harpreet Nahal, seconded by Phyllis Kereliuk;

THAT the Advisory Planning Committee agenda for June 22, 2020 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Doug Neden, seconded by Larry Lundgren;

THAT the minutes for the Advisory Planning Committee meeting of June 9, 2020 be adopted.

CARRIED.

NEW BUSINESS:

**ZONING BYLAW
REVIEW – TEXT
AMENDMENT FOR I4:
BUSINESS PARK ZONE
(6450)**

The Manager, Current Planning reviewed the proposed text amendment for the I4: Business Park Zone. The Committee noted the following:

- Clarification as to whether sirens are part of Search and Rescue operations
- Suggestion to add ‘emergency and protective services’ to other industrial zones.

Moved by Monique Hubbs-Michiel, seconded by Bill Tarr;

THAT the Advisory Planning Committee recommends that Council support an amendment to Zoning Bylaw #5000 by adding “emergency and protective services” as a Primary Use in the I4: Business Park zone, as outlined in the report titled “Zoning Bylaw #5000 Text Amendment to I4: Business Park Zone” dated June 17, 2020, by the Economic Development Planner;

AND FURTHER, that the Advisory Planning Committee recommends that Council direct Administration to bring forward the “Zoning Text (I4 Emergency and Protective Services) Amendment Bylaw Number 5824, 2020”, for initial readings and scheduling of a public hearing.

CARRIED.

INFORMATION ITEMS

The Manager, Current Planning reviewed the following APC related applications discussed at the June 22nd, 2020, Council meeting:

- **ZON000297** – 5000 20th Street – new PH scheduled for September 14, 2020
- **OCP00080/ZON00326** – 4300 35th Avenue – one year extension granted
- **ZON00332** – 7235 Hitchcock Road – one year extension granted
- **ZON00349/DVP00481** – 2109 32nd Avenue – 1st and 2nd readings, PH schedule for August 17, 2020
- **First part of PH held for HRA0006** – Heritage Revitalization for 2301 32nd Avenue and **ZON00348** – 2103 39th Street, reconvene for consideration of written submissions on June 29, 2020.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, July 7, 2020.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at: 4:17 p.m.

CERTIFIED CORRECT:

Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Keltie Chamberlain
Planning Assistant, Current
Planning and Economic
Development

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 20, 2020
REPORT DATE: July 3, 2020
FILE: DVP00479

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7449 BROOKS LANE

PURPOSE:

To review the development variance permit application for 7449 Brooks Lane to vary Zoning Bylaw #5000 to complete construction of a fence in a front yard greater than the maximum height permitted.

RECOMMENDATION:

THAT Council NOT support Development Variance Permit Application #DVP00479 to vary Sections 6.5.1 and 6.5.7 of Zoning Bylaw #5000 to allow an over-height fence constructed over 1.2m in height in the front yard on **Osoyoos Division Yale District Lease / Permit / Licence #347139, All That Unsurveyed Crown Foreshore Being Part of the Bed of Okanagan Lake and Fronting on LT 3, SEC 19 and 30, TP 9, PL 11990 Except Plan 16472 for Private Moorage Purposes (7449 Brooks Lane):**

AND FURTHER, that the applicant be directed to work with staff to find an alternative solution.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit Application #DVP00479 to vary Sections 6.5.1 and 6.5.7 of Zoning Bylaw #5000 to allow an over-height fence constructed over 1.2m in height in the front yard on **Osoyoos Division Yale District Lease / Permit / Licence #347139, All That Unsurveyed Crown Foreshore Being Part of the Bed of Okanagan Lake and Fronting on LT 3, SEC 19 and 30, TP 9, PL 11990 Except Plan 16472 for Private Moorage Purposes (7449 Brooks Lane)** as follows:
 - a) Section 6.5.1. to increase the maximum height of a fence if situated along the lot lines within the front yard setback from 1.2m to:
 - i. 1.45m (4.75 ft.) for a metal picket fence
 - ii. 2.2m (7.5 ft.) for an entry bi-parting gate
 - iii. 2.6m (8.50 ft.) for two entry columns
 - iv. 1.8m (6.0 ft.) for five fence columns; and
 - b) Section 6.5.7 to construct a fence that exceeds the maximum permitted 2.0m height in a residential zone.

AND FURTHER, that Council support of DVP00479 is subject to the following:

- a) that the property owner provide road dedication of 1.5m adjacent to Brooks Lane at no cost to the City for the planned 3m multi-use path;

- c) that the site plan, intended to illustrate the general location of the fence, as shown on Attachment 1 in the report titled "Development Variance Permit Application for 7449 Brooks Lane" and dated July 3, 2020, by the Planning Assistant, be attached to and form part of DVP00479 as Schedule 'A'; and
- d) any conditions that may be cited by Council.

Note: This alternative supports the development variance permit application and would have the applicant dedicate 1.5m of property along the frontage (up to the fence edge). This does not meet the road dedication requirements applied to the adjacent lands, but would save the City the cost to purchase this area., and provides for additional conditions as may be cited by Council.

- 2. THAT Council support Development Variance Permit Application #DVP00479 to vary Sections 6.5.1 and 6.5.7 of Zoning Bylaw #5000 to allow an over-height fence constructed over 1.2m in height in the front yard on **Osoyoos Division Yale District Lease / Permit / Licence #347139, All That Unsurveyed Crown Foreshore Being Part of the Bed of Okanagan Lake and Fronting on LT 3, SEC 19 and 30, TP 9, PL 11990 Except Plan 16472 for Private Moorage Purposes (7449 Brooks Lane)** to remain:

- a) Section 6.5.1. to increase the maximum height of a fence if situated along the lot lines within the front yard setback from 1.2m to:
 - i. 1.45m (4.75 ft.) for a metal picket fence
 - ii. 2.2m (7.5 ft.) for a high entry bi-parting gate
 - iii. 2.6m (8.50 ft.) for two entry columns
 - iv. 1.8m (6.0 ft.) for five fence columns; and
- b) Section 6.5.7 to construct a fence that exceeds the maximum permitted 2.0m height in a residential zone.

AND FURTHER, that Council support of DVP00479 is subject to the following:

- a) that the applicant move the existing fence structure from its current approximately 4m from the property line in the front yard;
- b) that the City purchase the frontage from the applicant to provide the required space for a planned 3m multi-use pathway on Brooks Lane;
- c) that the site plan, intended to illustrate the general location of the fence, as shown on Attachment 1 in the report titled "Development Variance Permit Application for 7449 Brooks Lane" and dated July 3, 2020, by the Planning Assistant, be attached to and form part of DVP00479 as Schedule 'A'; and
- d) any conditions that may be cited by Council.

Note: This alternative supports the development variance permit application subject to the applicant relocating the over-height fence in the front yard. It assumes the applicant will agree to sell the land to the City for the land for road dedication on the lot frontage consistent with that from other properties in the area,. As road dedication from other los (one directly west) is still required, it would not enable completion of the proposed 3m multi-use pathway in Brooks Lane at this time. It also provides for additional conditions as may be cited by Council.

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 7, 2020, the Advisory Planning Committee passed the following resolution:

“ “

B. Rationale:

1. The subject property is located at 7449 Brooks Lane, which is a separated public frontage road north of Okanagan Landing Road, as shown on Figures 1 and 2. The property is 0.619 ha in size (two consolidated lots) and is situated adjacent to Okanagan Lake. The lot slopes downward from the road towards Okanagan Lake.

2. Zoning Bylaw #5000 permits a maximum fence height in the front yard of 1.2m and the maximum permitted height is 2.0m in residential zones as shown in Section 6.5.1.i. and 6.5.7 in Attachment 1.

3. The subject application is to vary the following sections of Zoning Bylaw #5000 (Attachment 1) to allow an existing, partially constructed over-height fence to remain:

- a) Section 6.5.1. to increase the maximum height of a fence if situated along the lot lines within the front yard setback from 1.2m to:
 - i. 1.45m (4.75 ft.) for a metal picket fence
 - ii. 2.2m (7.5 ft.) for a high entry bi-parting gate
 - iii. 2.6m (8.50 ft.) for two entry columns
 - iv. 1.8m (6.0 ft.) for five fence columns; and

- b) Section 6.5.7 to construct a fence that exceeds the maximum permitted 2.0m height in a residential zone.

4. Application was made to construct a single family residence on this property in February, 2019 (BP007105). There is no requirement for fencing, or construction details of the fence and columns included in the building permit application. The over-height fence was first noted during a building inspection on February 14, 2020 at which time the concrete columns with footings had been put in place as shown in site photos (Attachment 2). The City is now in receipt of stamped plans for the column footings dated November 18, 2019 (Attachment 3). As part of this application, a site plan showing the existing over height fence and columns has been provided (Attachment 4). Renderings have been provided to indicate the scale of the fence and columns (Attachment 5).

5. The subject property was initially two parcels and was consolidated in a subdivision application which did not require City approval. Therefore, road dedication on the front of the property was not provided to the City at the time of subdivision. Over time, through the development process, road dedication has been received by the City for the planned 3m multi-use pathway on Brooks Lane. The subject property is one of three where road dedication has not been secured adjacent to Brooks Lane.

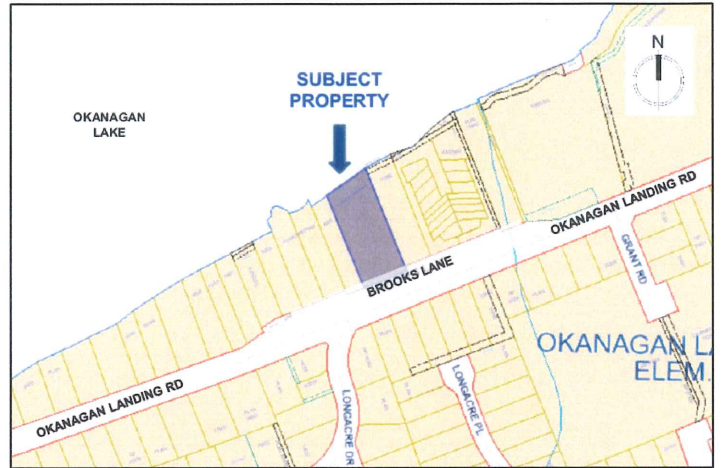


Figure 1 – Property Location Map

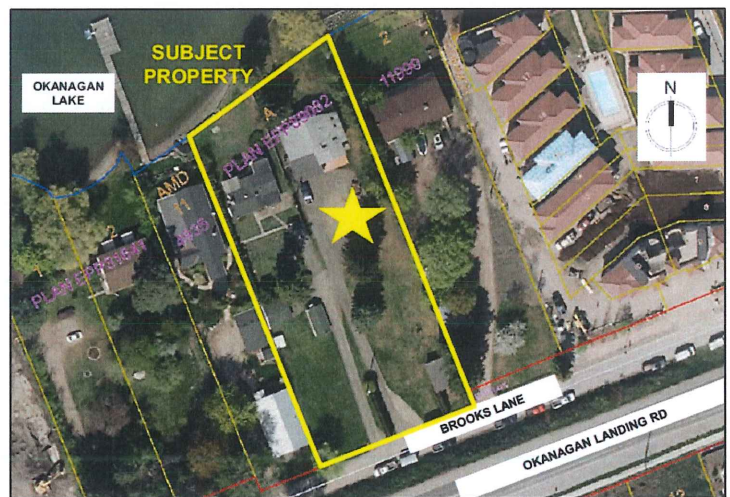


Figure 2 – Aerial View of Property

6. The Master Transportation Plan identifies a paved 3m multi-use pathway on Brooks Lane (Attachment 6) to expand and support walking and cycling networks for public health and safety, environmental sustainability, and improved quality of life. The primary function of the path is to connect housing to local destinations and schools. Paddlewheel Park is 845m to the west of this property and Okanagan Landing Elementary school is 340m east. The multi-use path is proposed on the north side of Brooks Lane.

7. As part of the Building Permit process, the City requested a 4m road dedication for the planned multi-use path on the property frontage, which the owner was not required to provide, and did not. As a result, the City entered into a Works Contribution Agreement for the road work on Brooks Lane which includes asphalt widening and curb and gutter in front of the subject property. The over height fence is built 1.5m from the front property line where the multi-use path would have been located had road dedication been received.

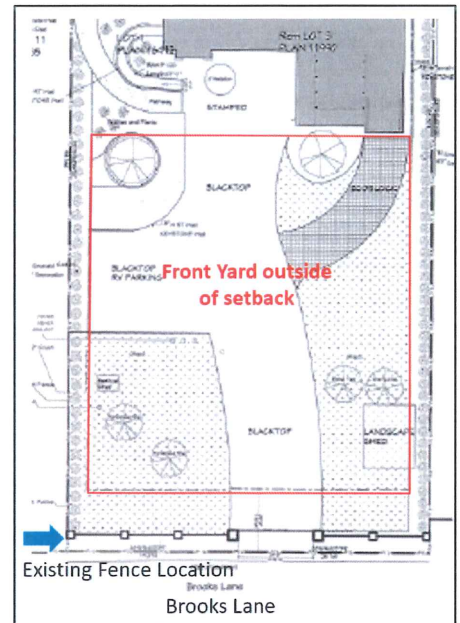


Figure 3 – Front Yard

8. Administration has been working with the applicant to secure dedication to the base of the existing over-height fence columns in order to complete the planned pathway. As a result, there would have to be a section of the multi-use path that will change direction to divert the path around the property boundary and change the traffic pattern on Brooks Lane. The property owner has indicated they are willing to provide 1.5m road dedication on the property frontage as a condition of the variance support.

9. The applicant has provided a rationale (Attachment 7) for the requested variance, which includes:
- a. The over-height fence is for enhanced security due to proximity to Marshal Field, Kin Beach and the Trailer Park;
 - b. There is no visual disruption to surrounding area in comparison to the previous condition;
 - c. The quality of the fence and pillars is exemplary;
 - d. CTQ Traffic Engineer states that the fence will not be a safety issue for vehicles on Brooks Lane;
 - e. The entry and fence column design was completed to accommodate a 40 ft motor home;
 - f. The fence columns have been moved back 1.5m back from the property line;
 - g. The investment in the unapproved fence to date is high;
 - h. The owner paid a Works Contribution Agreement for the required asphalt and curb;

10. There are alternatives on the subject property to address any safety and security concerns with possible fencing options. This parcel has a large front yard as the house has been built closer to Okanagan Lake than Brooks Lane (Figure 3) Therefore, there is ample room to locate an over-height fence outside of the required 4m front yard setback, which then would meet the bylaw requirements. If the applicant found that locating the over-height fence outside of the setback a hardship in the overall site planning in early stages, an application for a variance prior to construction of the fence could have been submitted.



11. The quality of the fence, as it has been constructed to date and with proposed finishing, is high. It is a quality and scale that would be anticipated when entering a resort or commercial use property. It is not considered by Administration to be a residentially scaled fence. The scale of the fence required that the applicant have stamped Engineering plans, which are dated November 18, 2019.

12. CTQ provided a report (Attachment 8) which indicates that the columns do not impede the site lines to oncoming traffic. However, the report does not provide an indication of the impact on pedestrian and cycling traffic on the planned multi-use pathway on Brooks Lane. The large columns present a conflict

point between vehicles exiting and entering the property. The columns on which the gate is attached are a visual barrier to pedestrians and cyclists. The report also indicates in Section C that 1.8m is allowable, which is not consistent with Zoning Bylaw #5000 which limits fences to a maximum of 1.2m in front yards.

13. The columns to support the fence and gate to the subject property are noted in the rationale to be spaced to provide turning area for a 40 ft motor home. The City of Vernon permits a maximum size for storage of a recreational vehicle of 28 ft. Recreational vehicles greater than 28 ft in length are to be stored at a commercial storage facility.
14. The Works Contribution Agreement for the improvements fronting the property is not an option in development of the subject property and should not be provided as a rationale for a requested variance.
15. Brooks Lane has an existing asphalt surface approximately 5.8m wide with steep bank up to Okanagan Landing Road starting at the south edge of the asphalt. This results in limited space available to add the pathway in the area and hence, 4m road dedication from other lots. As a result of the partially constructed over-height columns and fence alterations to the City's 3m multi-use pathway will now need to include design alterations to the path and to traffic use of Brooks Lane, i.e. "Yield to oncoming traffic" signage and redirecting pedestrian and vehicular traffic. Administration anticipates there will be a cost associated with the revisions to the plan to accommodate the lack of road dedication on the property frontage.
16. Administration finds the rationale for the variance weak, however, appreciates the offer to provide some road dedication and the quality of the fence and that there has been considerable investment in that construction. However, Administration does not recommend support for the requested variances for the following reasons:
 - a) The rationale for the variance request does not address why alternatives to provide privacy and security to the property on the large site were not acceptable or pursued;
 - b) The Waterfront Neighbourhood Centre Plan encourages user-friendly to support the vision for streetscapes, complete with emphasis on the pedestrian first, followed by bicycles, transit and the private automobile;
 - c) Crime Prevention Through Environmental Design (CPTED) principles for street presence and "eyes on the street" is, in part, why limited fence height in front yards is included in Zoning Bylaw #5000. Private property plays an important part of activating streets and safety within communities;
 - d) The applicant is an experienced builder with considerable knowledge of the City's bylaw requirements, and aware of the process for requesting variances to bylaws, including fence height in the front yard, and did not approach the City to find alternative approaches to avoid the development variance after construction of the fence; and
 - e) Administration expresses concern regarding the response by the applicant to this issue. The applicant should have addressed the non-compliant fence prior to construction. City of Vernon Administration values its working relationships with all applicants, offering guidance where appropriate.
17. If Council should support the requested variance, Administration has made recommendations for the conditions of the variance, which are included in the Alternative Recommendation #1 and #2 with the provision for Council to cite additional conditions.

C. Attachments

Attachment 1 – Site Plan showing Fence location

Attachment 2 – Site Photos of Existing Fence
Attachment 3 – Engineering Plans
Attachment 4 – Site Plan and Elevations
Attachment 5 – Rendering
Attachment 6 – City's draft Multi-Use Pathway Concept
Attachment 7 – Rationale Letter
Attachment 8 – CTQ Access Review

D. Council's Strategic Plan 2019 – 2022 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2019 – 2022:

➤ N/A

E. Relevant Policy/Bylaws/Resolutions:

1. The height of this fence contravenes the following provisions of Zoning Bylaw #5000:

- Zoning Bylaw #5000:

6.5.1 Subject to traffic sight lines, the following **height** limitations shall apply to **fences**, walls, chainlink **fences** and hedges in all **Residential zones**:

- i) 1.2m (4.0ft) if situated along the lot lines within front yard setbacks;
- ii) 2.0m (6.4ft) if situated behind the front yard setback;
- iii) 2.0m (6.4ft) if situated along the interior and exterior and/or rear yard.

6.5.7 No fence constructed at the natural grade in residential zones, shall exceed 2.0m in height, except where abutting an agricultural or commercial zone the maximum height is 2.4m.

- The height of this fence impacts the following provisions of the Waterfront Neighbourhood Centre Plan:

6.1. Create user-friendly streets throughout the Waterfront Neighbourhood Centre to support the vision for streetscapes, complete with emphasis on the pedestrian first, followed by bicycles, transit and the private automobile.

6.12. Integrate trail systems to provide options for residents and visitors travelling to, from and within the plan area.

- The height of this fence does not align with the Crime Prevention Through Environmental Design (CPTED) Principles of the Official Community Plan:

Crime Prevention Through Environmental Design principles (CPTED) increase community safety through the design of the physical environment to positively influence behavior and eliminate opportunities for negative behavior. It is based on the concept that there is a direct relationship between the physical environment and the behavior of people. Buildings and spaces that are well designed can discourage criminal behavior and prevent crimes from taking place.

CPTED has been employed across Canada and internationally, and has proven to be an effective tool in reducing the incidence of crime in communities. CPTED can be applied to the

design of new buildings and public spaces, but should also be employed after a development is completed, in the form of maintenance and upkeep.

CPTED principles include:

- Encouraging the strategic placement of physical features, activities and people to preserve sight lines and ensure maximum visibility
- Facilitate pedestrian movement between different spaces by the considered placement of entrances, exits, fencing, landscaping and lighting
- Promote activity in public spaces and opportunities for "eyes on the street"
- Encourage regular property maintenance to ensure that visibility is not adversely affected by overgrown vegetation or obstructive or inoperative lighting

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Will Pearce, CAO

Date: _____

Keltie Chamberlain
Planning Assistant

X

Signer 2

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 checked="" 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 checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (July 7, 2020) | | |
| <input type="checkbox"/> OTHER: | | |

Zoning Bylaw #5000 Excerpt

6.5 Fencing and Retaining Walls

6.5.1 Subject to traffic sight lines, the following **height** limitations shall apply to **fences**, walls, chainlink **fences** and hedges in all **Residential zones**:

- i) 1.2m (4.0ft) if situated along the lot lines within front yard setbacks;
- ii) 2.0m (6.4ft) if situated behind the front yard setback;
- iii) 2.0m (6.4ft) if situated along the interior and exterior and/or rear yard.

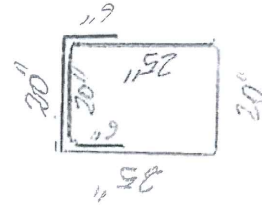
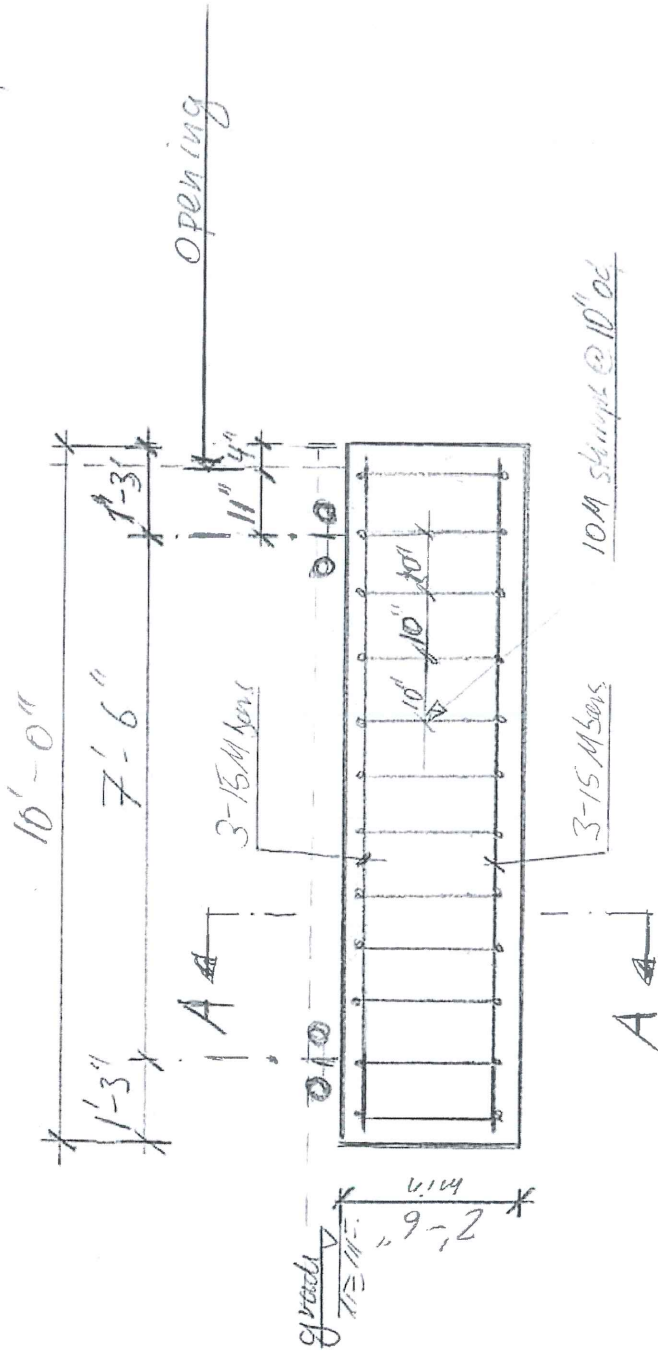
6.5.7 No fence constructed at the natural grade in residential zones, shall exceed 2.0m in height, except where abutting an agricultural or commercial zone the maximum height is 2.4m.

Site Photos



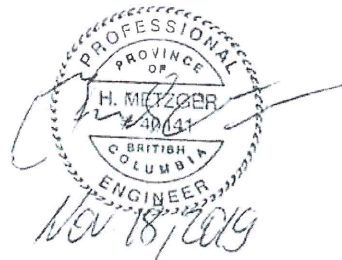
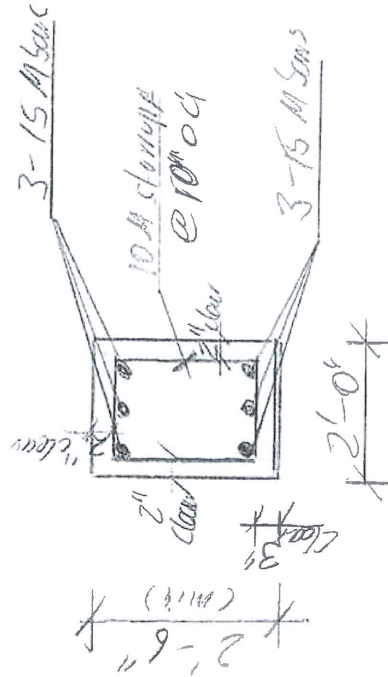


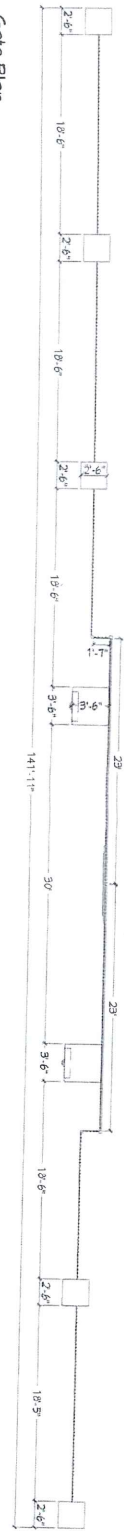
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 Total Weight
 of Gate \approx
 565 Kg
 \approx 1,250 lb



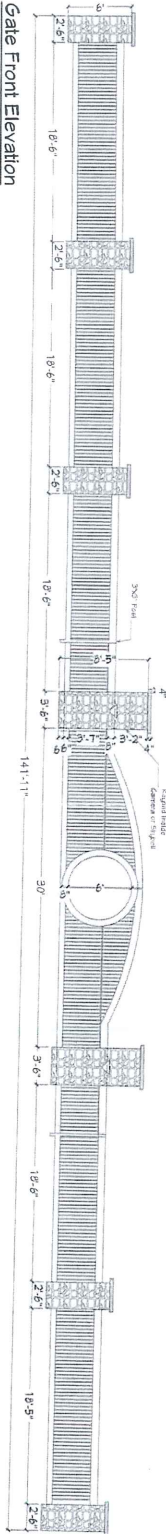
12-10M clear stumps
 @ 10" o.c., E/S

Section A-A:

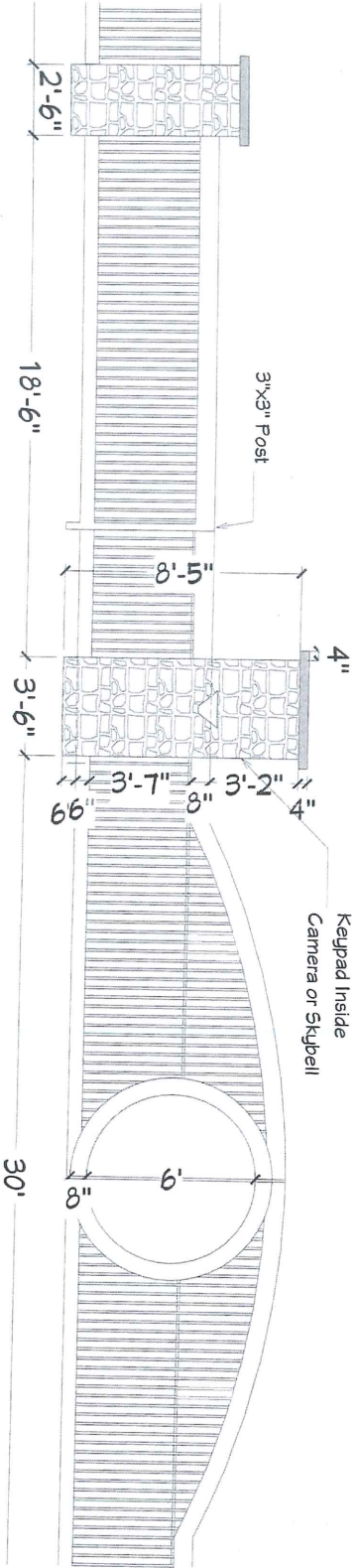




Gate Plan
Scale 23/34, 3/16" = 1'-0"
Scale 1/4" = 1'-0"



Gate Front Elevation
Scale 23/34, 3/16" = 1'-0"
Scale 1/4" = 1'-0"



Gate Front Elevation Close Up
Scale 23/34, 3/16" = 1'-0"
Scale 1/4" = 1'-0"

View from Brooks Lane



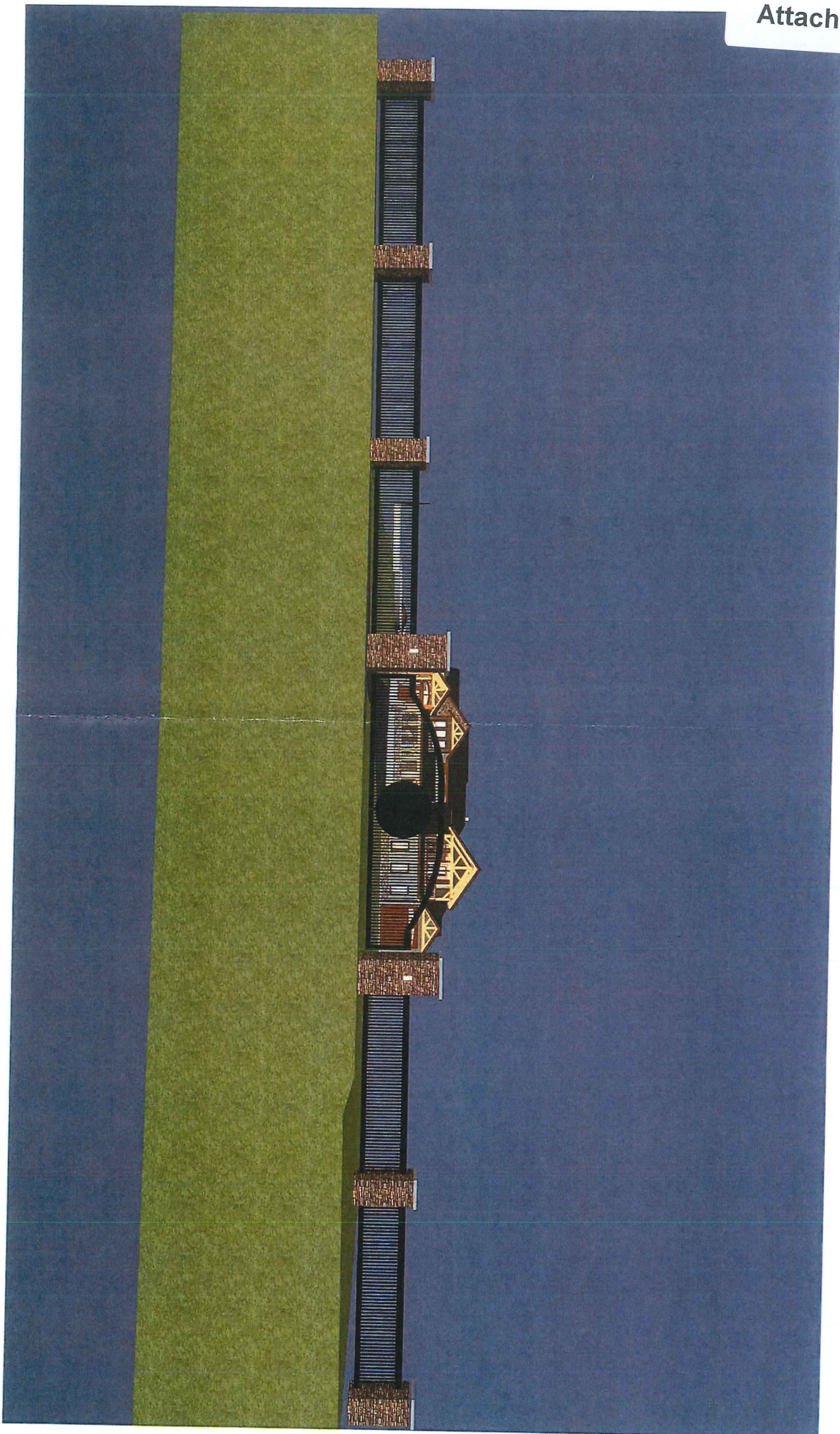
Keith Construction
8205 Aberdeen Road
Coldstream, B.C. V1B 2L9
ph. 250-545-1300 fax. 250-545-1380
www.keithconstruction.ca

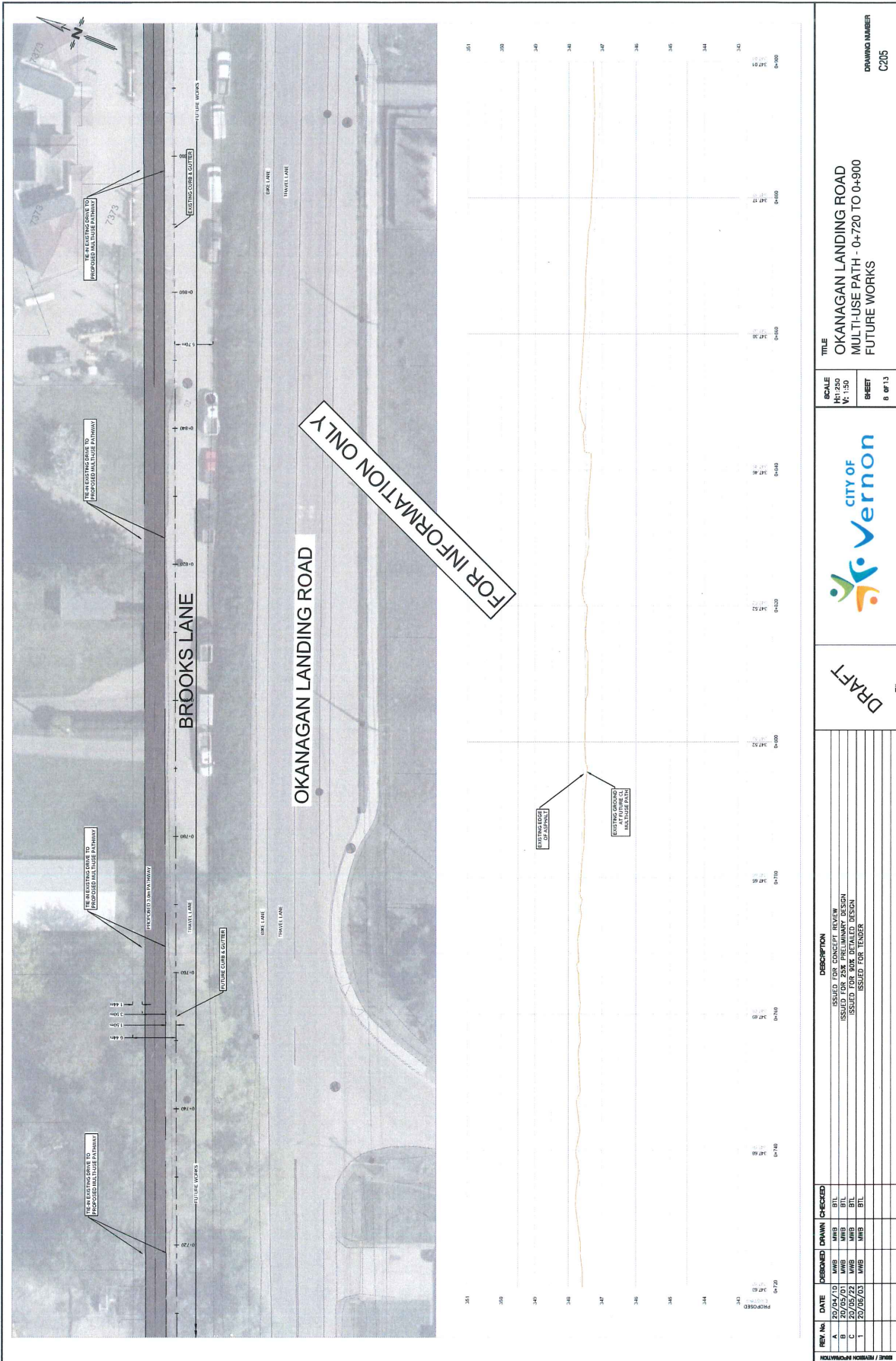
DATE	September 23, 2019
REVISION	NOYES
OCT 12, 2019	FORM PLANS
NOV 04, 2019	FINAL PLANS
NOV 06, 2019	ELECTRICAL PLANS

DRAWN BY: **MJOLSNESS, Barry & Lorna**
7449 Brooks Lake
Vernon, BC

DO NOT SCALE THESE DRAWINGS
LATITUDE: 50.29225
LONGITUDE: -119.54791

SHEET
4
OF 5





TITLE
 OKANAGAN LANDING ROAD
 MULTI-USE PATH - 0+720 TO 0+900
 FUTURE WORKS

SCALE
 H: 250
 V: 1:50

SHEET
 8 OF 13

DRAWING NUMBER
 C205



DRAFT

REV. No.	DATE	DESIGNED	DRAWN	CHECKED	DESCRIPTION
A	20/04/20	MWB	MWB	BTJ	ISSUED FOR CONCEPT REVIEW
B	20/05/21	MWB	MWB	BTJ	ISSUED FOR PRELIMINARY DESIGN
C	20/05/22	MWB	MWB	BTJ	ISSUED FOR BOX BEVELED DESIGN
1	20/05/23	MWB	MWB	BTJ	ISSUED FOR TENDER



KEITH CONSTRUCTION
 8205 Aberdeen Road
 Coldstream, BC V1B 2L9
 Phone: 250-545-1300
 Fax: 250-545-1380
 www.keithconstruction.ca

March 2nd, 2020

PROJECT INFORMATION:

Keith Dahlen Construction Ltd.
 Constructing for Barry & Lorna Mjolsness
 7449 Brooks Lane
 Vernon, British Columbia

Re: Rationale for Variance

Keith Construction is submitting this Development Variance Permit Application to request an extension to the allowable fencing height in the City of VERNON. Per the City of Vernon Zoning Bylaw "6.5.1 - Fencing and Retaining Walls" the following is the maximum allowable height of fencing.

Vernon Zoning By-Law: 6.5.1. – Fencing and Retaining Walls:

Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chain link fences and hedges in residential zones:

- I) 1.2m (4.0ft) if situated along the lot lines within front yard setbacks
- II) 2.0m (6.4 ft) if situated behind the front yard setback
- III) 2.0m (6.4 ft) if situated along the interior and exterior and/or rear yard

Proposed Fence at 7449 Brooks Lane:

We are proposing the following heights for the composition of the proposed front yard fence:

- 4.75 ft high metal picket fence
- 7.50 ft high entry bi-parting gate
- 8.50 ft high entry columns (2)
- 6.00 ft high intermediate columns (5 total)

See Appendix 1 - Architectural and Structural Drawings within the Development Variance package

The fence construction includes powder coated aluminum picket sections mounted to stone clad concrete columns along the front yard property line. The metal picket fence will allow full view through the fence panels and create no visual disturbance other than at the 7 column locations. The stone columns are capped with a stone cap to shed water. This fence assembly is to be built to superior performance to ensure an extended lifespan.

Impacting Factors for Higher Fence:

1. Enhanced Level of Security:

The main motivating factor to increase the height of the front yard fence is to enhance the level of security to the homeowner's property. The property is located on Brooks Lane (20' below Okanagan Landing Road), in close proximity to areas that have been known to host some desperate people. Marshall Field, Kim Beach and the Trailer Park near Kin Beach are a few locations within a 1-2km radius.



KEITH CONSTRUCTION
8205 Aberdeen Road
Coldstream, BC V1B 2L9
Phone: 250-545-1300
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www.keithconstruction.ca

There is a Hydro building in the front yard that contains a 400-amp service to allow the dwelling to be appropriately powered. We wish to also provide security to the small building to ensure the equipment inside is not damaged or tampered with.

Vernon Crime Rate

Vernon over the last few years is near the top of the BC Provincial Crime Rate. It is public knowledge that there is serious issue with theft in the local area of Vernon. With a substantial investment in place for 7449 Brooks Lane, we feel it is important that this home factor in additional security measures for protection against theft.

Maclean's published data on November 19th, 2019 regarding "Canada's Most Dangerous Places 2020" and Vernon which ranks 44/237 in this data had 305 breaking and entering incidents in 2019 which is 67% higher than Canada's average. This is an indication that there is a need for extra precautions.

There are many other homes and development Strata's in the area that have built larger fences and hedges to create additional security.

Similar Properties Nearby

South of the subject Brooks Lane property there are over 10 other properties that have fences, gates and/or hedges greater than the 4.0 ft allowance, these are mostly located on Okanagan Landing Road. The Tuscan Estates, which is a direct neighbour to 7449 Brooks Lane has columns at 9'-1" and the gate/fence also exceeding the 4'-0" maximum allowable at 4'-5". Tronson Road is another nearby residential road that has upwards of 6 or more fences/hedges/gates that exceed 4.0 ft in height.

See Appendix 3 – Nearby Properties Fencing Exceeding the City of Vernon Zoning By-Law

2. No Visual Disruption to Surrounding Area:

Brooks Lane is a quiet sideroad that runs parallel to Okanagan Landing Road for a short distance that would typically be only accessed by property owners. At the location of 7449 Brooks Lane, the road surface of Okanagan Landing Road has been built up approximately 20'-0" above the road surface of Brooks Lane. The fence and columns that are being proposed would be substantially less height than the road surface of Okanagan Landing Road. The column locations are also positioned in such a way that they would not impact traffic views along Brooks Lane.

Prior to the project commencing the original lot had cedar hedges along the front yard that at times were higher than 15'-0". Cedar hedges are a solid block from view and attract animals to feed in the area. This new fence being proposed will be substantially less size, have no visual barrier, and not attract animals to the busy Okanagan Landing Road nearby. We feel it is a significant upgrade from the original fencing.

See Appendix 2 – 7449 Brooks Lane Original Fencing Prior to Project Commencement



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The proposed dwelling is large, the neighbouring complex buildings and the proposed 6-storey building that is in planning are all very substantial in size as well. The increased height of fence and columns would not look out of place on this property.

We appreciate your time to review this Development Variance Permit and we look forward to the public hearing.

Thank you,

A handwritten signature in black ink, appearing to be "Keith", is written over the printed name "Keith Construction".

Keith Construction



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Rationale Letter

June 8, 2020

City of Vernon
3400 30th St
Vernon, B.C.
V1T-5E6

LOCATION: 7449 BROOKS LANE (DVP 00479)

Dear Mayor Victor Cumming & City Council Members,

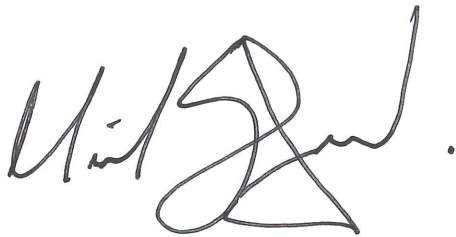
I/we are writing you for support in relation to our Development Permit Application for Approval of our Entry Gate, Front Columns and fencing.

Our positive outlook specifically relates to:

1. Many neighbors have stopped to compliment us that they are thrilled that we are enhancing Brooks Lane.
2. We have made a huge improvement for the site line safety of all users of Brooks Lane, as originally there was a 20'-0" tall cedar hedge along the front elevation at lot-line along the two family home sites that were consolidated into one family home site.
3. We have added "stunning street appeal".
4. Our client had the Entry Gate designed to accommodate his 40'-0" motor-coach.
5. We want to safely secure our 400 Amp power shed.
6. We are not a Multi-Family Residence, which means less traffic on Brooks Lane Access Road.
7. Our professional Traffic Engineer's Report solidifies that our Entry Gate and column heights do not post any safety implications to all users of Brooks Lane.

8. We willingly moved the center of the Columns 5'0" and the Entry Gate 7'-0" in from the front property line with safety in mind.
9. Also, we will accommodate the maximum permissible access width of 6m per the City request.
10. To date we have \$70,000 invested in Columns/Posts/Concrete/Stone Materials and Wrought Iron Railings/Custom Fabrication of Fences & Entry Gates for this project. Our client was given the choice to pay the WCA vs providing the city with the 4 m easement. We were advised by the City that we could build within this area as our client had paid vs gifting area. We do agree that the design process the posts increased in size and this should have been discussed with the City of Vernon before we started. We would appreciate your support on this fence and gate system.

Respectfully Yours,



Mike Sanford.



8205 Aberdeen Rd
Coldstream B.C. V1B 2L9
P: 250 545-1300
C: 250 938-4478

mike@[keithconstruction.ca](mailto:mike@keithconstruction.ca)

CTQ

ctqconsultants.ca

Project No.: 20050

May 29, 2020

Keith Construction
8205 Aberdeen Rd
Coldstream, B.C. V1B 2L9

Attention: **Mike Sanford**

Dear mike:

**Re: 7449 Brooks Lane, Vernon BC
Access Review**

COST

TIME

QUALITY

We are pleased to provide the following review of the proposed access and entry gate to the single-family home located at 7449 Brooks Lane. The site location is shown on the **Figure 1** air photo on the following page.

In support of the access and entry gate for the project, we have reviewed the existing configuration and condition of the roadway infrastructure for Brooks Lane and the adjacent Okanagan Landing Road.

The owners are looking to have the partially constructed gate posts and fence remain in place and have an access of sufficient width to allow for entry onto the site with a large Class A Motorhome.

A) Background Information

In support of our assessment, we have reviewed the following documents:

- City of Vernon Development Permit Application Review, April 20, 2020;
- City of Vernon Engineering Services Report March 23, 2020;
- Email correspondence between Keith Construction and the City of Vernon, November to December 2019;
- Keith Construction Gate Design Drawing 4 of 5, November 14, 2019;
- Site photos and Site Visit May 6, 2020 by D Cullen, P.Eng.



Figure 1 - Site Location

B) Existing Conditions

Brooks lane is a minor local road that provides access for the lakefront homes on the north side of the lane. There is a 3m high embankment that separates Brooks Lane from the adjacent Okanagan Landing Road.

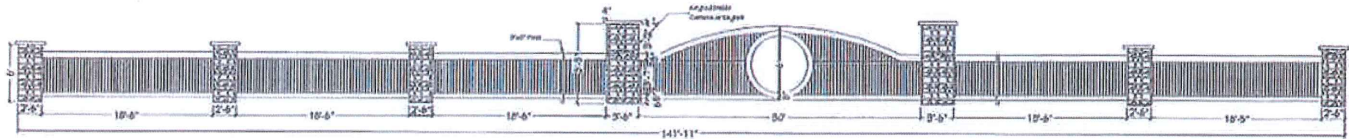
Two single family home sites were consolidated into one single family home site. It is my understanding the City of Vernon was not a party to the technical subdivision resulting in the consolidation of the two lots into one, as both parcels were part of the same parent plan and did not require City of Vernon signoff or approval.

1148287 BC Ltd. (the registered owners of the parcel) agreed to and have paid a "Works Contribution Agreement" sum of \$10,670.00 for additional asphalt and upright curb on the north side of Brooks Lane fronting the subject property.

The posts (2.5m high) for the gate and 1.8m high fence are partially completed, with no further works occurring until the matter has been resolved between the City and property owners. The gate posts exceed the City of Vernon maximum height of 2m.

C) Gate Post Height Variance

For the proposed fence, the height of 1.8m is within the allowable 2.0m height for the property. The two 1m wide gate posts are over the maximum height of 2m, by 0.5m, but due to the 3m embankment on the south side of Brooks Lane they are not visible from Okanagan Landing Road or the properties to the south. The gate and fence design is shown below.



Gate Front Elevation

The posts are much shorter than the 4m hedge that was in place at the entry to the site (as shown in the photo below).



Hedge at site entry

The posts provide for a visual massing commensurate with the overall fence and gate design and do not have an adverse impact on the adjacent properties nor are they visible from the homes to the south of Okanagan Landing Road.

The entry posts on each side of the access to the recently completed Tuscan Terraces (located 60m to the east) on Brooks Lane are greater in height (estimated at 3m), as are numerous gate posts for access along Okanagan Landing Road.

D) Site Access

Two elements are of a concern to the City with the site access, width of entry driveway and site lines for departing vehicles.

The hard surfacing for the driveway at the property line can be limited to 6m in width, with gravel shoulders used to provide for additional width for the turning movements of larger vehicles entering the site.

The entry gates are placed back of the property line by 1.5m and allow for vehicles exiting the site to clearly see any vehicles on Brooks Lane before entering the traveled portion of Brooks Lane, 1.5 to the south of the property line. There is also sufficient room for a passenger vehicle to depart the traveled portion of Brooks Lane and take refuse if the gate is not open.

E) Conclusions

Although not part of the concerns with the City for the site access, the function of Brooks Lane merits review at this time. We recommend that Brooks Lane have a posted speed of 30km/hr as there is only one function for vehicles on the roadway, access. The lane also has the function of providing for a safe and enjoyable passage for bikes and pedestrians from the adjacent (and much higher volume) Okanagan Landing Road.

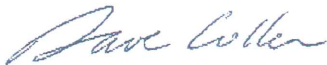
As a further recognition of the low volume function of Brooks Lane, implementation of a 30 km/hr speed zone would also act as a further method of traffic calming, and allow for narrower travel lanes, allowing for a portion of the existing asphalt to be dedicated to an alternate use path.

It is our professional opinion that the proposed entry gate height and location to the site do not pose a safety concern or impede the travel portion of Brooks Lane and will allow for the entry to operate in a safe and efficient manner.

We trust the above meets with your requirements. Please contact the undersigned if you have any questions on the above or require further information.

Sincerely,

CTQ CONSULTANTS LTD.



Mr. David D. Cullen, P.Eng.

Transportation Engineer

DDC: dc