



**CORPORATION OF THE CITY OF VERNON**

**ADVISORY PLANNING COMMITTEE**

**TUESDAY, SEPTEMBER 29, 2020 @ 4 P.M.**

**OKANAGAN LAKE ROOM**

**A G E N D A**

**1) ADOPTION OF AGENDA**

**2) ADOPTION OF MINUTES**

September 15, 2020 (attached)

**3) NEW BUSINESS:**

a) **DVP00499** - Development Variance Permit for 156 Sunset Boulevard

**4) INFORMATION ITEMS:**

**5) DATE OF NEXT MEETING:**

The next meeting is to tentatively scheduled for **Wednesday, October 14, 2020.**

**6) ADJOURNMENT**



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

TUESDAY, SEPTEMBER 15, 2020

**PRESENT:** VOTING

Jamie Paterson, Vice-Chair  
Phyllis Kereliuk  
Doug Neden  
Monique Hubbs-Michiel  
Joshua Lunn  
Larry Lundgren  
Bill Tarr  
Harpreet Nahal

NON-VOTING

Mayor Cumming (Alternate Appointed Member)

**ABSENT:** Mark Longworth, Chair  
Don Schuster  
Councillor Mund (Appointed Member)  
Lisa Briggs

**STAFF:** Craig Broderick, Manager, Current Planning / Staff Liaison  
Keltie Chamberlain, Planning Assistant  
Ellen Croy, Transportation Planner  
Janice Nicol, Legislative Committee Clerk

**ORDER** The Chair called the meeting to order at 4:02 p.m.

**ADOPTION OF  
AGENDA**

Moved by Phyllis Kereliuk, seconded by Bill Tarr;

THAT the Advisory Planning Committee agenda for  
September 15, 2020 be amended to receive the  
**4) Information Update** as the first item;

AND FURTHER, that the agenda be adopted as  
amended.

**CARRIED.**

**ADOPTION OF MINUTES**

Moved by Monique Hubbs-Michiel, seconded by Larry Lundgren;

THAT the minutes for the Advisory Planning Committee meeting of September 1, 2020 be adopted.

**CARRIED.**

**INFORMATION ITEMS:**

The Manager, Current Planning reviewed the following APC related applications discussed at the September 14, 2020 Council meeting:

- **DVP00487 – 7449 Brooks Lane** – issued once all conditions have been satisfied
- **LUC00017 – 9239 Kokanee Road** – issued once all conditions have been satisfied
- **Bylaw 5817**– Sign amendment for home based businesses - requires more staff input
- **Bylaw 5818** – Zoning text amendment for home based businesses –requires more staff input
- **ZON00357 – 1800 32<sup>nd</sup> Street** – received first and second reading, PH schedule for Oct. 13, 2020
- **ZON00346 – Multiple properties for Okanagan Hills** – received first and second reading, PH scheduled for Oct. 13, 2020
- **Bylaw 5825** – Zoning text amendment for I1 Group Home, Major – PH held, received third reading
- **ZON00297 – 5000 20<sup>th</sup> Street** – PH held, received third reading

**NEW BUSINESS:**

**DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3400 COLDSTREAM AVENUE (DVP00483)**

The Planning Assistant reviewed development variance permit application DVP00483 for 3400 Coldstream Avenue. The Committee noted the following:

- It was recognized that 34<sup>th</sup> Avenue would not be a good access route, good work by staff and developer to exclude as regular access point
- It was noted that they 19 parking spots that are rented to neighbouring businesses are no longer rented

- Clarification on the number of street accesses requested
- Will there be handicapped accessible suites and how will they be accessed?
- Confirmation that access to parking lot on site located closest to 34<sup>th</sup> Avenue will be via lane access through the site only
- Why are 21 Class 1 bike spots being installed? Need to be reconsider this as it does not match current resident need
- Concern that parking spots for visitors have been cut too deeply, needs to be reviewed as there is limited on-street parking in the area
- Loading space reduction to one space is a concern, acceptable only if there is also loading available at the front of the property
- Diagram does not indicate how scooters gain access to 34<sup>th</sup> Avenue and appears to be congested, needs to be clarified and/or revised
- Will there be age limitations on this building since the parking requirement reduction is tied to seniors?
- Concern that the building could be used for other purposes in the future (apartment housing -- no age restriction, for example) and will not meet the parking requirements.

Moved by Bill Tarr, seconded by Harpreet Nahal;

THAT the Advisory Planning Committee recommends that Council support the development variance application #DVP00483 to vary the following section of Zoning Bylaw #5000 to construct an additional 48 one-bedroom units at an existing seniors housing facility, McCulloch Court, on Lot 1, Plan 27701, District Lot 72, ODYD (3400 Coldstream Avenue);

- a) Section 7 Parking and Loading of Zoning Bylaw #5000 to reduce the number of vehicle, loading, and bicycle parking spaces, and reduce the minimum aisle width of 7.0m for two-way aisles; and
- b) Schedule B, Section 3.5.5. of Subdivision and Development Servicing Bylaw #3843 to increase the number of accesses from two to three.

AND THAT the approval of the development variance application is subject to the following:

- a) The applicant provides road dedication on Coldstream Avenue to the back edge of the existing public sidewalk;
- b) That the site plan and details generally shown as Attachment 1 to 5, inclusive in the report titled "Development Variance Permit Application for 3400 Coldstream Avenue" and dated September 1, 2020 by the Planning Assistant, be attached to and form part of DVP00493 as Schedule 'A' and;
- c) That the requirement for bicycle parking and the reduction of loading spaces be reviewed.

**CARRIED.**

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, September 29, 2020.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at: 4:40 p.m.

**CERTIFIED CORRECT:**

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**Chair**



# 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:** October 26, 2020  
**REPORT DATE:** September 24, 2020  
**FILE:** DVP00499 (3090-20)

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 156 SUNSET BOULEVARD

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## **PURPOSE:**

To review the development variance permit application for 156 Sunset Boulevard to vary a section of Zoning Bylaw #5000 in order to reduce spacing between multiple retaining walls on a residential property.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application #DVP00499 to vary the following section of Zoning Bylaw #5000 in order to reduce spacing between multiple retaining walls on a residential property on Lot 27, Plan KAS1975, DL 6, ODYD (156 Sunset Boulevard):

- a) Section 6.5.11 from 1.2m to 1.0m;

AND FURTHER, that Council support of DVP00499 is subject to the following:

- a) the site plan and elevations, intended to illustrate the general location and character of the retaining wall, as shown on Attachment 2 in the report titled "Development Variance Permit Application for 156 Sunset Boulevard" and dated September 24, 2020 by the Manager, Current Planning, be attached to and form part of DVP00499 as Schedule 'A'.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application #DVP00499 to vary Section 6.5.11 of Zoning Bylaw #5000 in order to reduce spacing between multiple retaining walls on a residential property on Lot 27, Plan KAS1975, DL 6, ODYD (156 Sunset Boulevard).

*Note: This alternative does not support the development variance permit application and would require the applicant and owner to rebuild portions of the retaining wall to achieve bylaw compliance.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of September 29, 2020, the Advisory Planning Committee passed the following resolution:

**B. Rationale:**

1. The subject property is located at 156 Sunset Boulevard (Figures 1 and 2). The property is 4,791 sq.m. (51,560 sq.ft) in size. The subdivision and property are located above the Okanagan Landing area in the eastern portion of a gated, bare land strata referred to as Beverly Hills Estates.

2. The subject application proposes to vary Section 6.5.11 of Zoning Bylaw #5000 in order to reduce horizontal spacing between two retaining walls on a residential property from 1.2m to 1.0m.

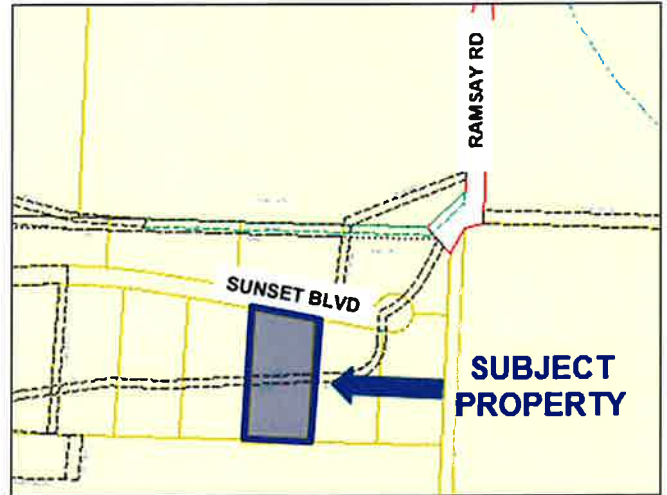
3. A retaining wall with heights up to 3.4m (up to 4.26m with proposed guard rail on top) has been constructed on the subject property. The retaining wall was setback from the property line approximately one meter. Zoning Bylaw #5000 Section 6.5.11 requires that multiple retaining walls be spaced to provide at least a 1.2m horizontal separation between them, therefore in order to reduce the overall height of the retaining wall to 1.2m the applicant has requested to vary the horizontal spacing between retaining walls on the north east side of the lot from 1.2m to 1.0m (as measured from face of wall to face of wall). The applicant has submitted the attached application and supporting documents for consideration (Attachment 1).

4. The application was made to construct a single family residence on this property on August 19, 2019 (Attachment 2 – Site Plan/BP7309). The plan check for siting, completed on September 16, 2019 did not show a retaining wall along the east side of the property. A general note was added to the basement plan which showed a retaining wall on the west side of the property which stated that the maximum height of exposed portion of a retaining wall can be a maximum of 1.2m. Drawings with this note and a condition on the permit was approved on September 18, 2019 and issued on September 23, 2019.

A conditional Occupancy Permit was provided on May 12, 2020 for the dwelling with the condition that the driveway is completed by June 30, 2020 with the assurance from the builder that the retaining wall will have a maximum exposed face of 1.2m. After receiving a complaint on July 16, 2020, a Building Inspector returned to site on July 17, 2020 and measured the retaining wall which had a height over 1.2m. A stop work order was then issued on the retaining wall preventing further structural work until the matter has been resolved. After reviewing drawings provided July 21, 2020, it was determined that due to the location of the wall relative to the adjacent property line, the wall would not be able to conform with Zoning Bylaw #5000 without a Development Variance Permit.

5. The existing wall is shown in the site photos (Attachment 3). The lower section of the wall does not show the proposed stacked rock wall that would be 1.2m plus a sloped landscaped area. The intent is that these features will lessen the visual impact of the existing wall.

6. Administration supports the requested variances for the following reasons:



**Figure 1 - Property Location Map**



**Figure 2 – Aerial View of Property**

- a) The applicant made a siting error in the placement of the retaining wall which culminated in the need for a variance to reduce the horizontal spacing between multiple retaining walls on a residential property from 1.2m to 1.0m;
  - b) The applicant has been working with Administration to arrive at an acceptable design solution to minimize the visual impact of the wall;
  - c) The property is within a gated, bare land strata and as such any variances to bylaws only affect strata owners and not the travelling public. The wall is not prominently visible from public road right-of-ways.
  - d) The construction of the wall and related improvements have been supervised by qualified engineering professionals; and
  - e) The construction solution to alter the wall to achieve bylaw compliance would result in a section of the retaining wall be removed and reconstructed 0.2m (8 inches) into the driveway with the top of the wall being at the same height.
7. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, \_\_\_ letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, \_\_\_ written submissions had been received. As input is received, it is placed on the City of Vernon website (Development Variance Permits – Public Input) as well as in a binder at the front counter of the Community Services Building.

### **C. Attachments**

Attachment 1 – Applicants Submission  
Attachment 2 - Site Plan (BP007309)  
Attachment 3 – Site Photographs

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

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

- Review and streamline residential development process.

### **E. Relevant Policy/Bylaws/Resolutions:**

N/A

### **BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

Craig Broderick  
Manager, Current Planning

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

**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 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 (Sept.29/20) |   |   |
| <input type="checkbox"/> OTHER:                                 |   |   |



August 24, 2020

**City of Vernon**  
**Development Services – Planning Department**  
3507 33<sup>rd</sup> Street, Vernon, BC

**Attn.: Mr. Craig Broderick, Current Planner**

**Re.: Project Description and Rationale for the Requested Retaining Wall Variance at 156 Sunset Blvd, Vernon, B.C.**

The subject site is located at 156 Sunset Blvd within the Beverly Hills strata development. The Lot is located on the high side of the street which is characterized by steep grades for access and building. The Lot is zoned RR and would fall within the Hillside Guideline requirements given the overall slope of the property. There is an existing home to the East, a vacant lot to the West and a home built across Sunset Blvd to the North. The retaining walls are located at the North East corner of the property and the area requiring a variance for spacing between walls is located mid-way along the East property line (see attached site plan and section drawing). The length of wall affected is approximately 9.14m (30') long.

Prior to construction activity on the site and while the adjacent home to the East was being constructed, the overall grade along the East boundary was cut significantly to allow the adjacent home to have a flat outdoor area at the front and side (West) of the home. The cut left a steep bank along the East side of 156 Sunset Blvd. A building permit was granted for the home on the subject site with a side entry garage at the upper level on the East side. This created a need for a steep access driveway and retaining to allow the access and manoeuvring for the garage. Turning movements created a need for an approximately 7.62m (25') wide paved area from the house to the top of the retaining wall. The actual distance is 7.56m (24.80').

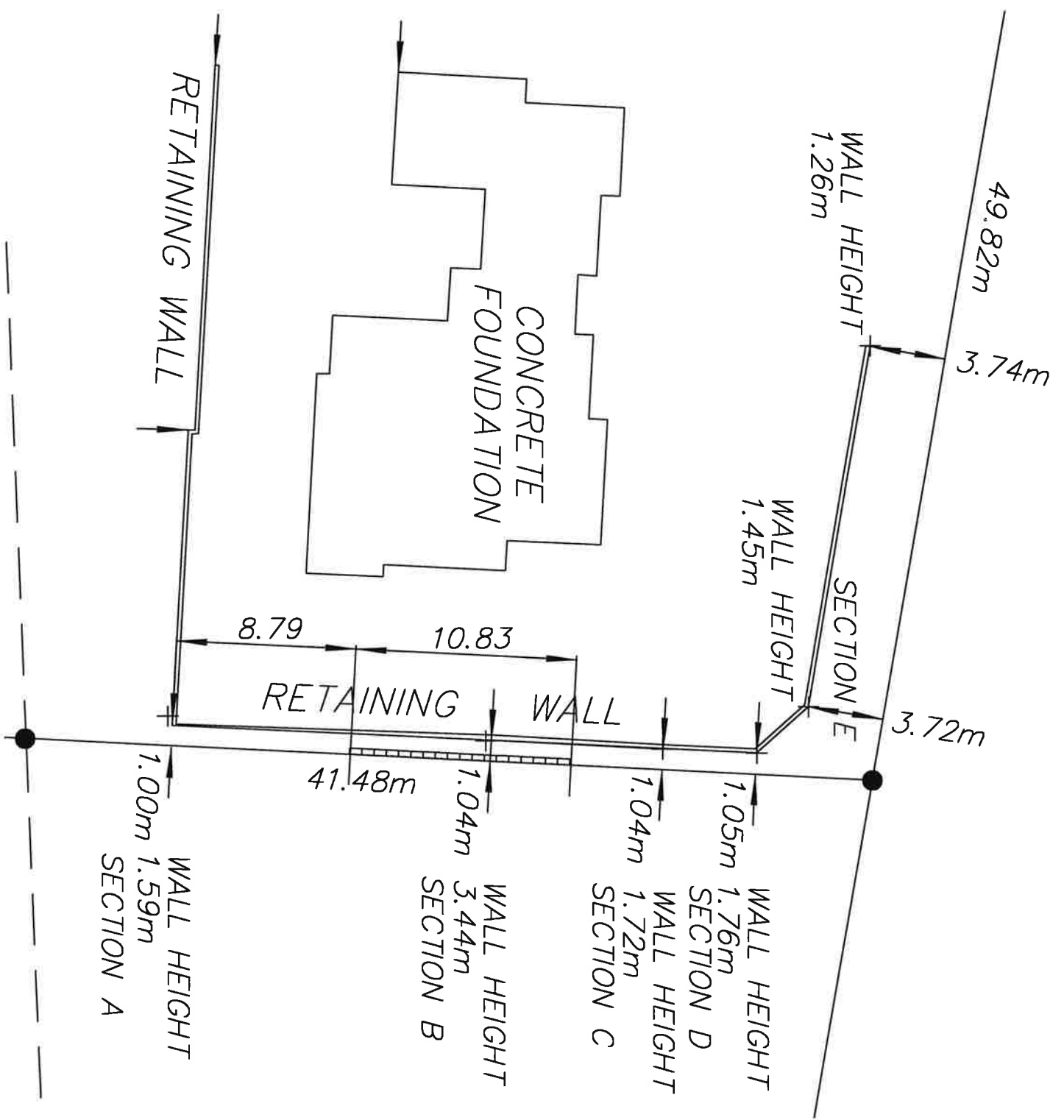
The concrete retaining wall currently constructed on the site varies in height by location (see sections) and has been engineered (see attached documents). The wall is 0.2m (8") thick with steel reinforcement. The wall was to be located 1.2m (4') from the property line to the outside face allowing for another wall to be constructed on the property line; however, the 0.2m (8") thickness of the wall was shifted. The wall located in front of the concrete wall was to be up to 1.2m high and constructed of stacked rock. The space between the walls was to be sloped up to 2:1 and covered with blast rock. This area would be drip irrigated and planted with Boxwood shrubs at 0.76m (30") O/C to soften the look of the wall to the neighbouring property to the East and the street. The result of this proposal is depicted in the cross-sections attached and would allow the walls to meet all of the vertical requirements of the Bylaw with respect to exposed height of maximum 1.2m and the height combination of exposed wall and guardrail at a maximum of 2.0m.

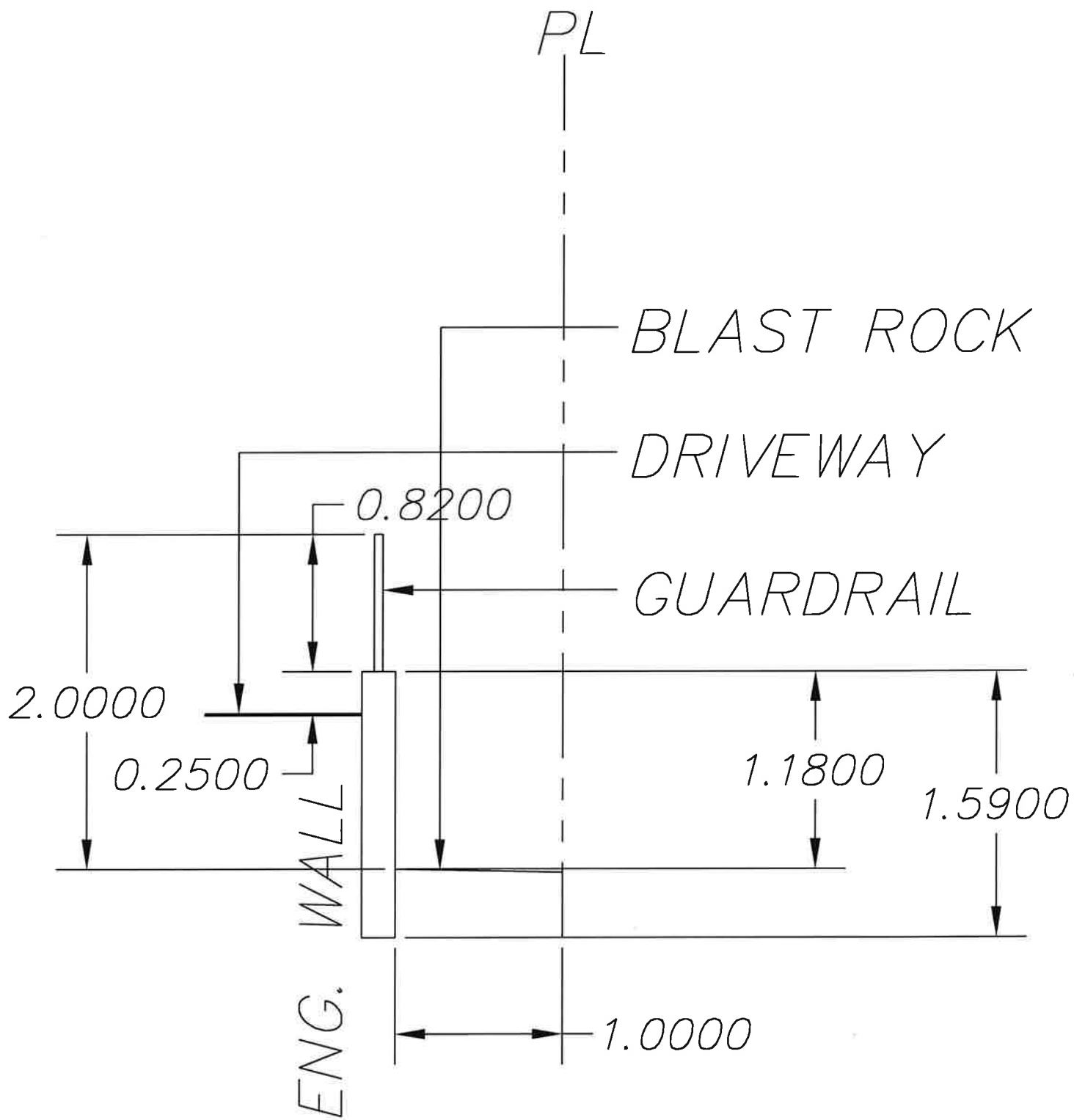
As shown on the site/survey plan prepared, the current distance between the wall and the property line is 1.05m in the affected area requiring the variance. We are requesting a variance of 0.15m (6") in horizontal spacing from face of wall proposed at the East property line to face of existing concrete wall constructed on site.

Regards,  
Darrin Collie  
Dwell Design Studio  
encl.

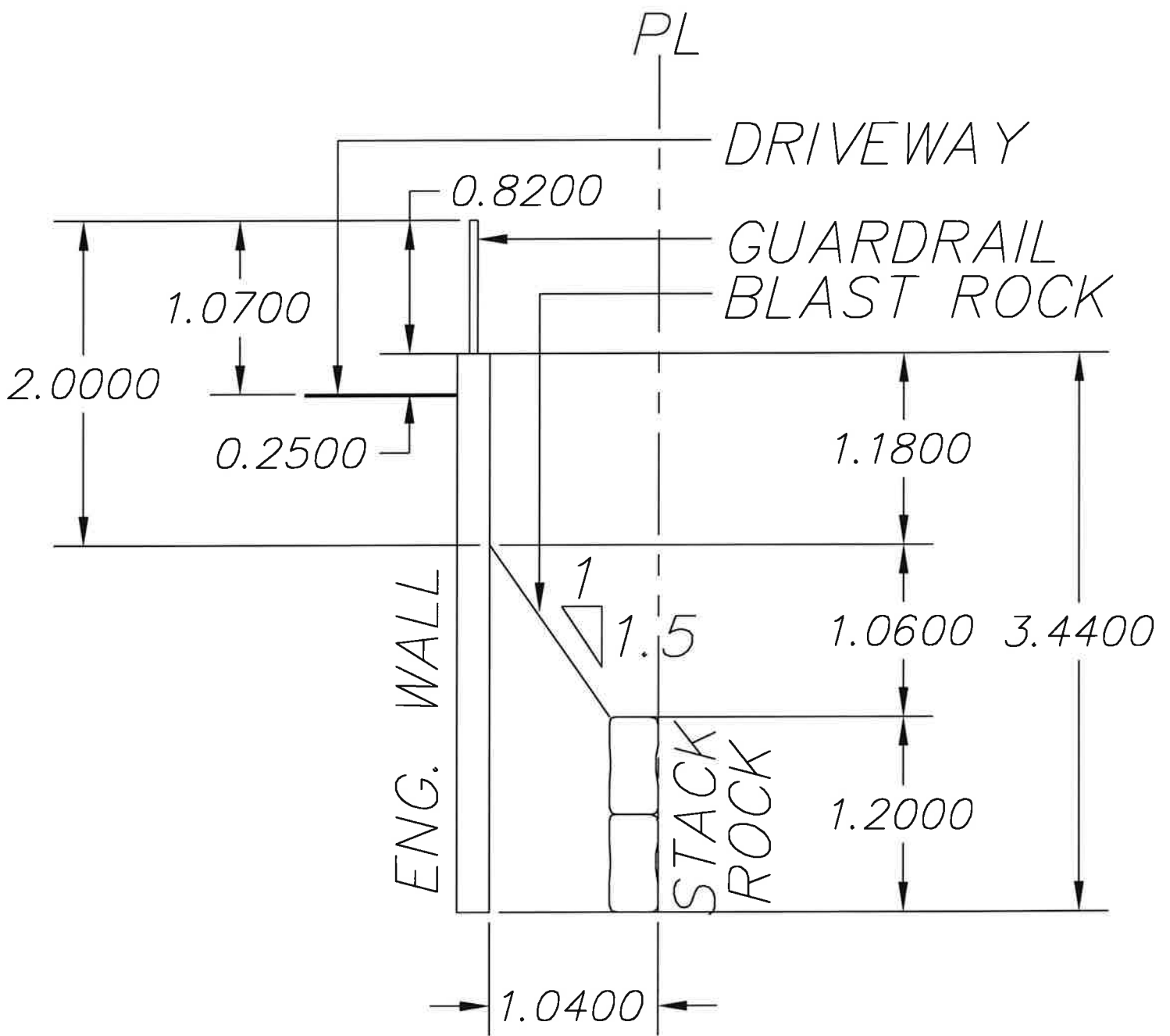


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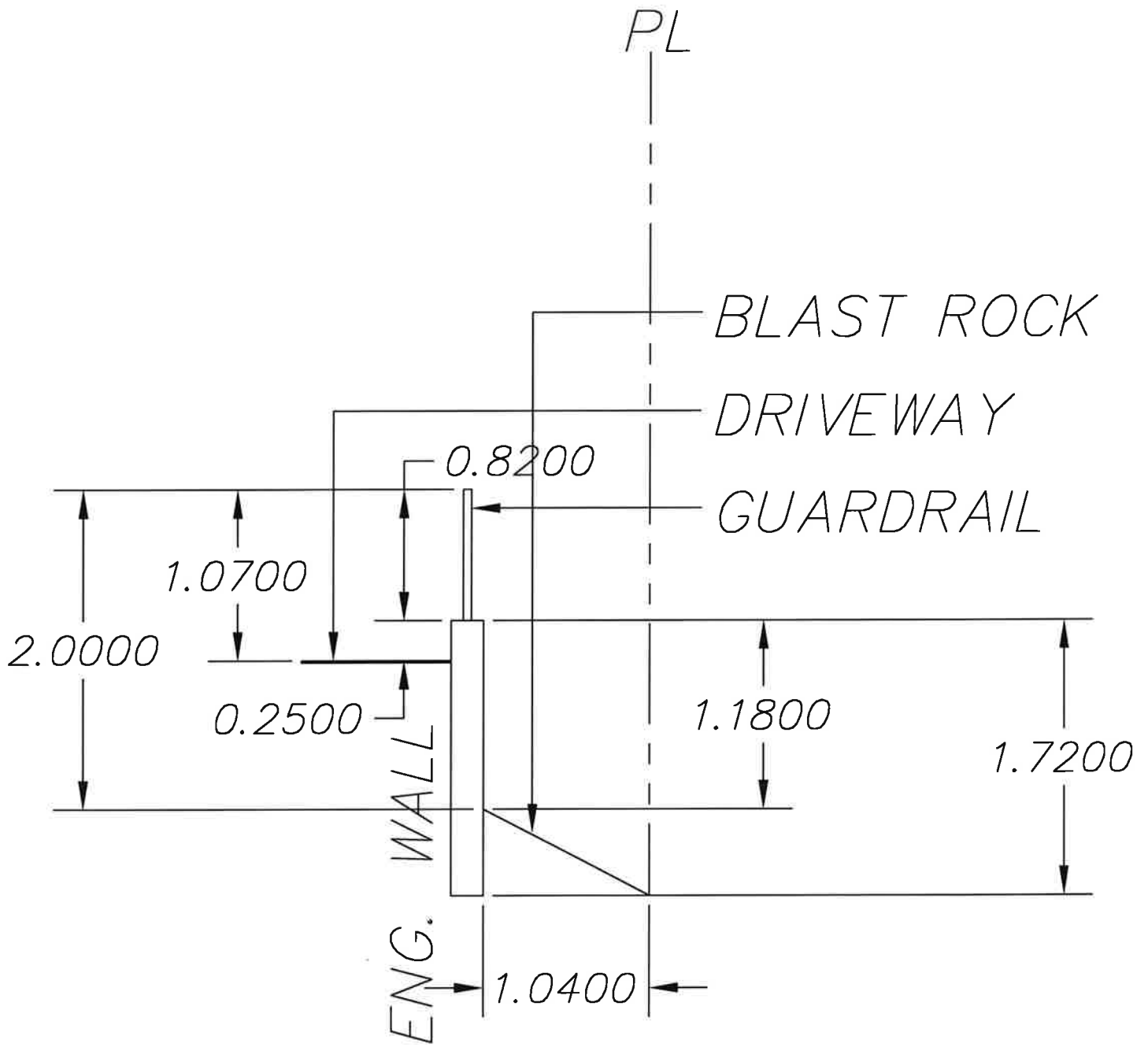




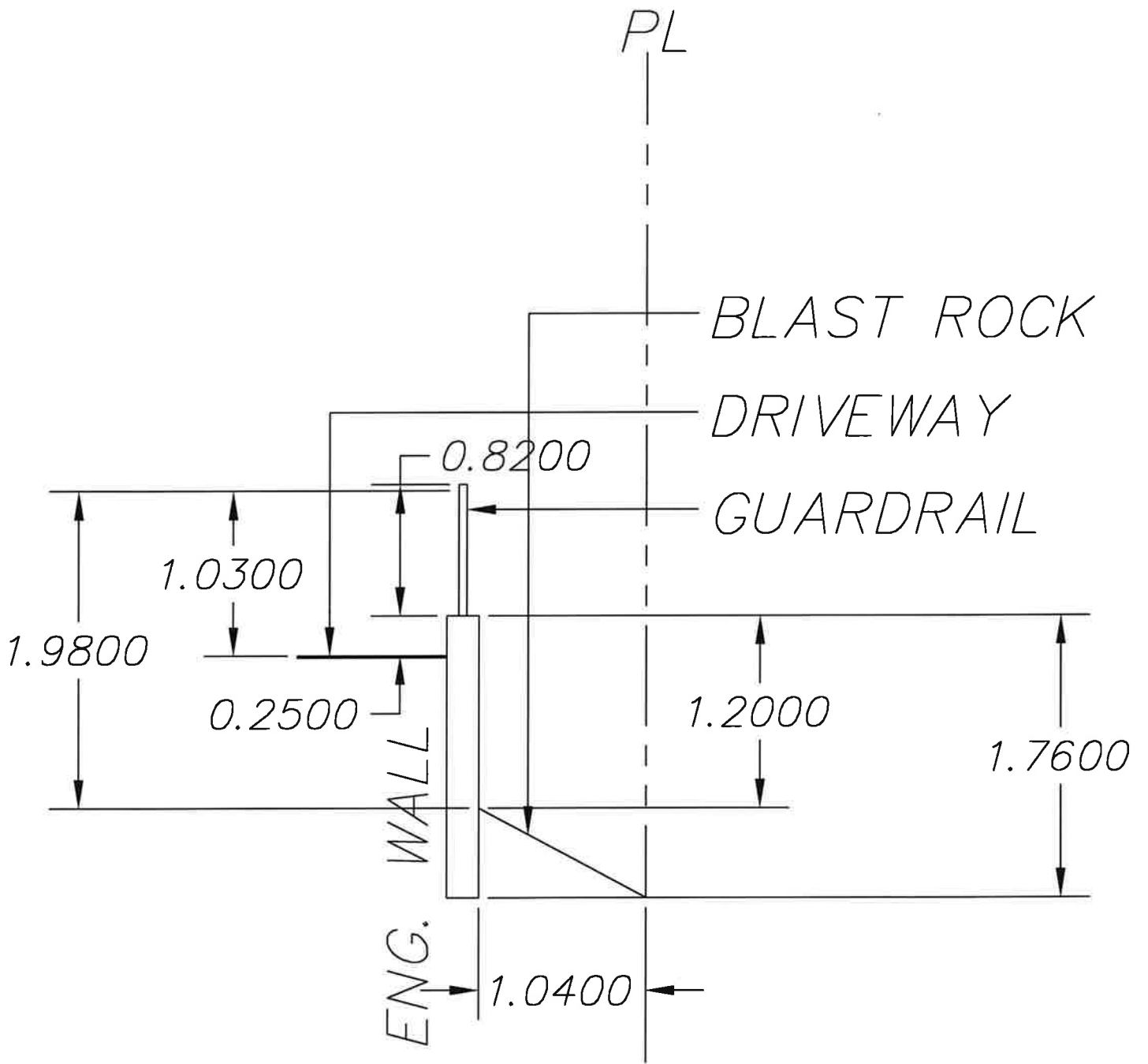
SECTION A



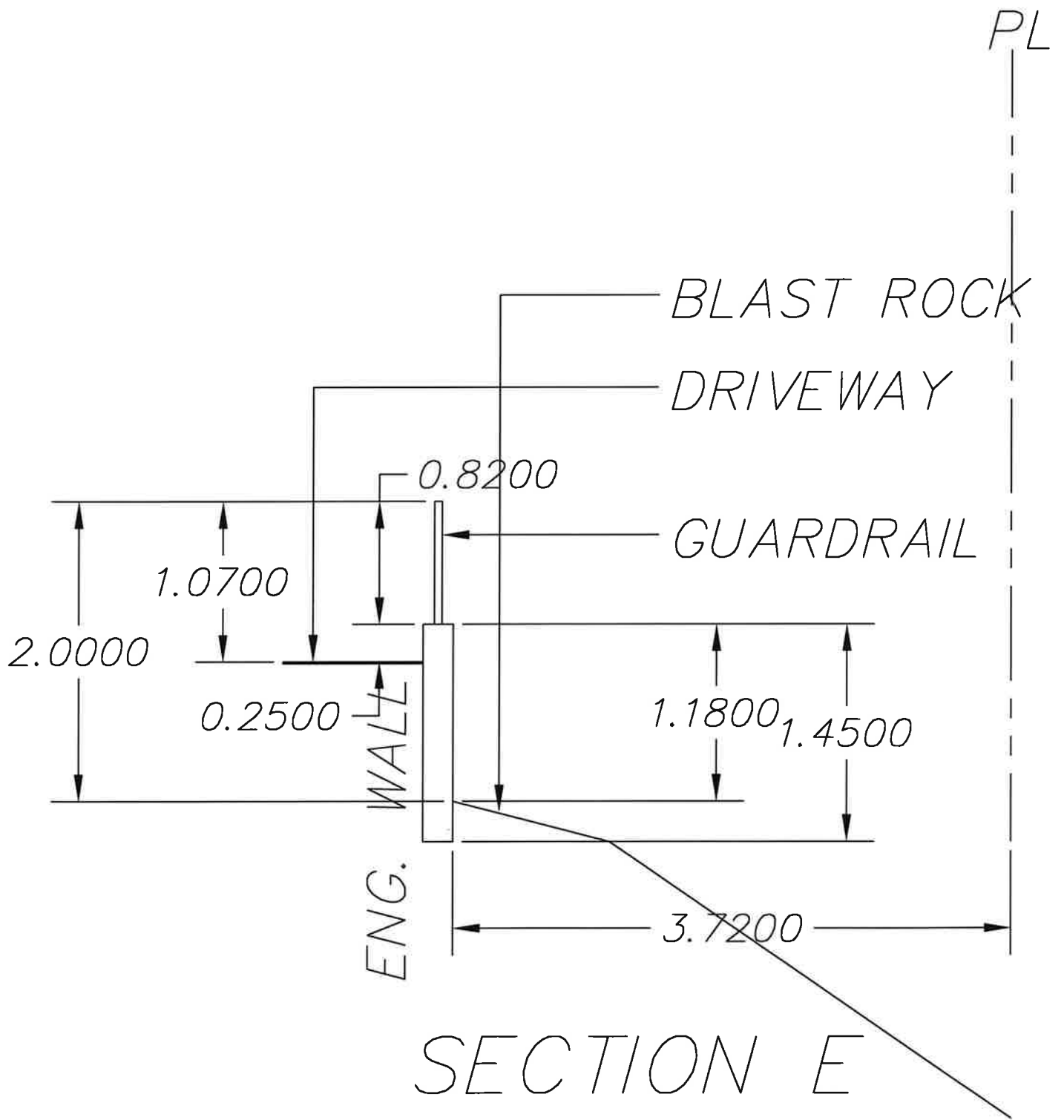
SECTION B



SECTION C

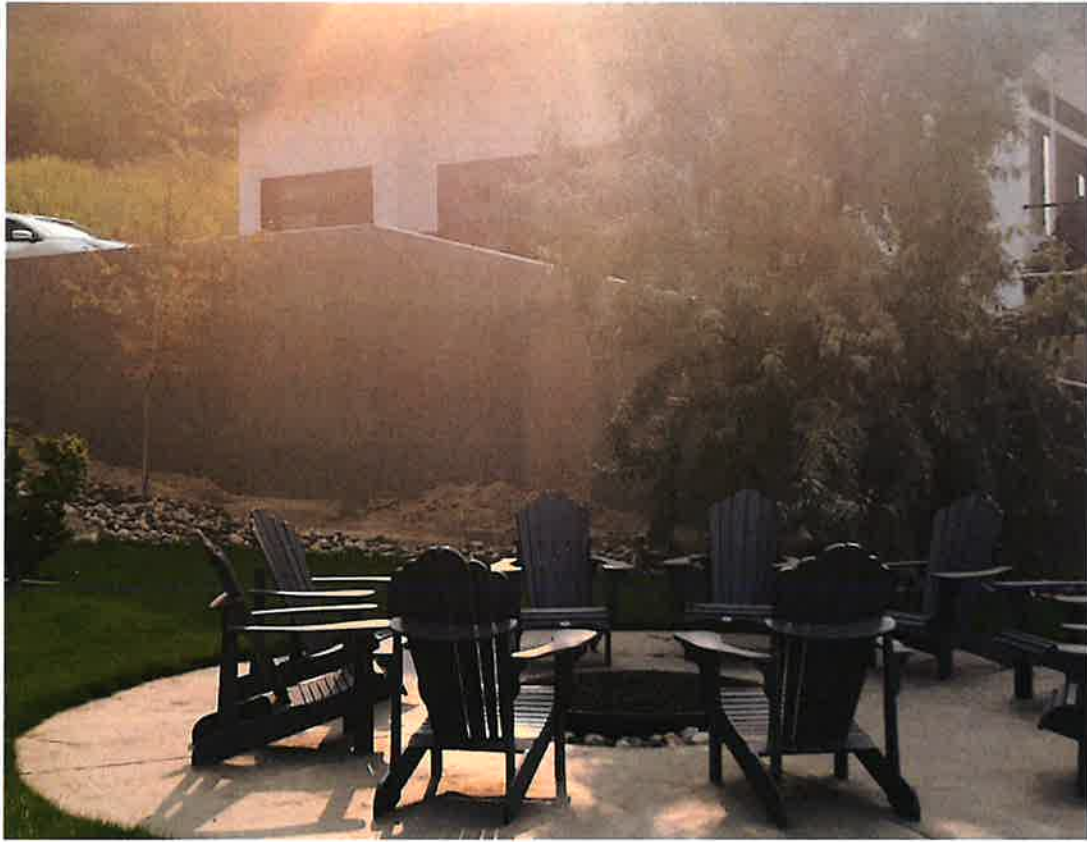


*SECTION D*





Attachment 3 – Site Photographs



Attachment 3 – Site Photographs

