



## **CORPORATION OF THE CITY OF VERNON**

### **BOARD OF VARIANCE**

**JULY 26, 2021 at 4:00 PM**

**VIA ZOOM**

## **A G E N D A**

**1) ELECTION OF CHAIR**

**2) ORDER**

**3) LAND ACKNOWLEDGEMENT**

*“As the Chair of the Board of Variance Committee of the City of Vernon, and in the spirit of this gathering, we recognize the City of Vernon is located in the traditional territory of the Syilx People of the Okanagan Nation.”*

**4) ADOPTION OF AGENDA**

**5) ADOPTION OF MINUTES**

July 28, 2020 Regular (attached)

**6) APPEAL – BOV00063 – 901 Mission Road:**

a) The applicant is requesting permission to allow an existing foundation to encroach onto the required side yard setback.

- i. Open of Public Input – Applicant  
Notified Public and others  
Planning Department Representative
- ii. Close of Public Input

**7) APPEAL – BOV00064 – 4100 24<sup>th</sup> Avenue:**

a) The applicant is requesting permission to construct a 1.83m (6.0 ft) fence along the property line fronting 24<sup>th</sup> Avenue.

- iii. Open of Public Input – Applicant  
Notified Public and others  
Planning Department Representative
- iv. Close of Public Input

**8) APPEAL – BOV00065 – 3001 18<sup>th</sup> AVENUE:**

b) The applicant is requesting a relaxation to the side yard setback requirements, to allow a previously constructed structure to remain in its current location.

v. Open of Public Input – Applicant  
Notified Public and others  
Planning Department Representative

vi. Close of Public Input

**9) APPEAL – BOV00067 – 8808 HAMPSHIRE CRESCENT:**

c) The applicant is requesting a variance to construct an at grade swimming pool on an exterior side yard due to lot layout.

vii. Open of Public Input – Applicant  
Notified Public and others  
Planning Department Representative

viii. Close of Public Input

**10) ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF**

**THE BOARD OF VARIANCE**

**TUESDAY, JULY 28, 2020**

**OKANAGAN LAKE ROOM – 9:00 a.m.**

**PRESENT: VOTING:**

David O'Keefe, Chair  
Tom Seifert (via phone)  
Kimberly Cooper (via phone)

**ABSENT:** Harpreet Singh Nahal  
Robin Stoddard

**GUESTS:** Marco Oballa, Applicant (via phone)

**STAFF:** Carie Liefke, Planning Assistant/Staff Liaison  
Janice Nicol, Legislative Committee Clerk

**ORDER** The meeting was called to order at 9:00 a.m.

**ADOPTION OF THE AGENDA** Moved by Member Seifert, seconded by Member Cooper:

THAT the agenda for the Board of Variance meeting of Tuesday, July 28, 2020 be adopted.

**CARRIED.**

**ADOPTION OF THE MINUTES** Moved by Member Cooper, seconded by Member Seifert:

THAT the minutes from the June 2, 2020 Board of Variance meeting be adopted.

**CARRIED.**

**BOARD OF VARIANCE APPLICATION FOR PROPERTY LOCATED AT 5000 SILVER STAR ROAD**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing via Canada Post. One submission was received as follows and was circulated and discussed at the Board of Variance at the meeting:

- Email from Karleena Duerr, received July 27, 2020, 7:13 p.m.

The Chair called for input from the Applicant and Planning Department representative for BOV00062– 5000 Silver Star Road. The Planning Department representative reviewed the application.

The Board questioned the site lines for vehicle and bicycle traffic.

Moved by Member Seifert, seconded by Member Cooper;

**‘BE IT RESOLVED’** that the Board of Variance **approve** the application submitted by the owners of 5000 Silver Star Road to allow variance of Part III, Sections C.3.a and b of Sign Bylaw #4484 to allow a freestanding sign with a minimum clearance of 1.6m, sited between 3.0m but not less than 1.0m of the road right of way provided that no signage other than the supporting structure is located less than 1.6 above grade.

**CARRIED.**

The Board of Variance meeting adjourned at 9:07 a.m.

**ADJOURNMENT**

**CERTIFIED CORRECT:**

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Board of Variance Chair

## INTERNAL M E M O R A N D U M

TO: Board of Variance Members

FILE: BOV00063

FROM: Matt Faucher, Current Planner

DATE: June 6, 2021

**SUBJECT: Board of Variance Application for 901 Mission Road (LOT 2 PLAN 16577 SEC 21 TWP 9 ODYD)**

The subject property, located at 901 Mission Road (Figure 1 and 2) is within the A1 – Agricultural zoning district (Attachment 1) of Zoning Bylaw #5000 and is located within the Agricultural Land Reserve (ALR). The application requests to relax Section 8.1.5 of Zoning Bylaw #5000, minimum side yard setback from 3.0 m (9.84 ft) to 2.62 m (8.6 ft) to accommodate the construction of a carport on an existing foundation that was previously poured based on an old land survey.



Figure 1: Property Location

In August of 2017, the applicant was issued a Building Permit (BP006411) for the installation of a foundation and construction of a carport on the subject property. The foundation was installed on the property using location information contained in a land survey that was completed in 1989. When the property was surveyed in 2018, it was identified that when the foundation was poured one of the corners is 0.38 m (15 in) into the required 3 m side yard setback. The applicant is requesting a relaxation of the side yard setback to allow them to complete the construction of the carport.



Figure 2: Aerial Photo

Information provided by the applicant is attached for the Board's consideration in reviewing this application.

Should the Board decide to approve the application, the applicant will be required to obtain a Building Permit to complete the construction of the carport.

Should the Board decide to decline the application, the applicant will be required to remove the part of the foundation that is encroaching into the required side yard setback.

Respectfully submitted,

Jun 18 2021 1:52 PM

X *Matt Faucher* ✓

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Matt Faucher

DocuSign

Matt Faucher, Current Planner

## 8.1 A1 : Agriculture within the ALR

### 8.1.1 Purpose

The purpose is to provide a **zone** for all agricultural **uses**, as well as other complementary **uses** suitable in an agricultural setting.

### 8.1.2 Primary Uses

- agriculture
- agricultural, intensive impact
- apiculture
- aquaculture
- cannabis cultivation facilities (*Bylaw 5731*)
- emergency protective services
- farmers' market
- greenhouses and plant nurseries
- parks, private
- parks, public
- stables and riding academies
- single detached housing
- utility services, minor impact

### 8.1.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- agri-tourist accommodation
- animal products processing
- animal clinics, minor
- animal clinics, major
- bed and breakfast homes (in single detached housing only) (*Bylaw 5498*)
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- cultural exhibit, private
- food primary establishment
- forestry
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- participant recreation services, outdoor
- second kitchens
- secondary suites
- wineries and cideries

### 8.1.4 Subdivision Regulations

- Minimum **lot width** is 100.0m
- Minimum **lot area** is 12.0ha (30 acres)

### 8.1.5 Development Regulations

- There shall be no more than one **single detached house** per **lot**.

# 'ATTACHMENT 1'

- 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 stormwater 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 maximum **height** for grain bins is 46.0m. Silos can be up to 34.0m high and combined silo and grain storage can be up to 41.0m high.
- Minimum **front yard** is 6.0m.
- Minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- Minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**. It is 4.5m for **greenhouses**, nurseries, crop storage, granary and **cideries**. It is 7.5m for mushroom barns and **buildings** and/or **structures** used for **apiculture**.
- **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**. (*Bylaw 5339*)
- A **cannabis cultivation facility** shall be setback a minimum of 50.0m from lands zoned RR, R1, R2, R3, R4, R5, R5A, R6, R7, RTR, RM1, RM2, RH1, RH2, RH3, HR1, HR2, HR3, RST1 and RST2 or any other residential zones. (*Bylaw 5731*)

## 8.1.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- 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 50.0m<sup>2</sup>. 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 50.0m<sup>2</sup>.
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) in size 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*)





THE CORPORATION OF THE CITY OF VERNON  
**INTERNAL MEMORANDUM**

**TO:** Board of Variance Members  
**FROM:** Matt Faucher, Current Planner

**FILE:** BOV00064  
**DATE:** June 6, 2021

**SUBJECT:** *Board of Variance Application for 4100 24<sup>th</sup> Avenue (LOTS 1 THROUGH 34 PLAN KAS51 DL 71 ODYD TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 OR V, AS APPROPRIATE)*

The subject property, located at 4100 24<sup>th</sup> Avenue (Figure 1 and 2) is within the RM2 – Multiple Housing Residential zoning district of Zoning Bylaw #5000. The application requests to increase Section 6.5.1.i of Zoning Bylaw #5000 (Attachment 1), maximum height of a fence along the lot lines within front yard setbacks from 1.2 m (4.0 ft) to 1.83 m (6 ft) to accommodate the construction of a fence to provide security and privacy for the residents of the strata.

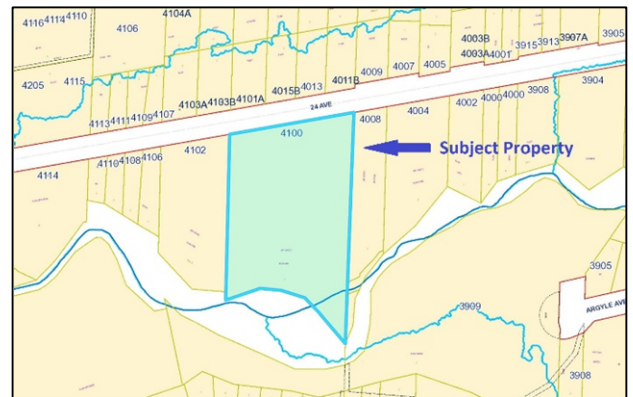


Figure 1: Property Location

The residents have requested the variance to the maximum fence height regulation as they are experiencing negative impacts from traffic (pedestrian and vehicular) along 24<sup>th</sup> Ave, as well as from neighbouring uses. The strata development is aligned to face an interior courtyard with the rear of the structures backing on to 24<sup>th</sup> Ave. While the access to the property 24<sup>th</sup> Ave, the frontage functions as the rear yard for the strata units along the road right of way. The use of 24<sup>th</sup> Ave by heavy trucks from neighbouring industrial uses is creating noise nuisances. The residents have also indicated that a significant amount of trespass and theft is occurring due to the lack of security provided by the existing 1.2 m (4.0 ft) fence.



Figure 2: Aerial Photo

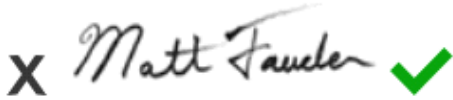
Information provided by the applicant is attached for the Board’s consideration in reviewing this application.

Should the Board decide to approve the application, the applicants would be permitted to construct a 1.83 m (6.0 ft) fence along the property line fronting 24<sup>th</sup> Ave.

Should the Board decide to decline the application, the applicants would not be permitted to construct a 1.83 m (6.0 ft) fence along the property line fronting 24<sup>th</sup> Ave.

Respectfully submitted,

Jun 18 2021 1:43 PM

 X *Matt Faucher* ✓

Matt Faucher

DocuSign

Matt Faucher, Current Planner

# 'ATTACHMENT 1'

## 6.4 Urban Plazas

- 6.4.1 Urban plazas, when permitted pursuant to Section 6.6, must be solely for pedestrian **use** and accessible to the public from both the **street** and from the **development**.
- 6.4.2 The minimum plaza **street** frontage is 6.0m.
- 6.4.3 The minimum plaza depth is 4.0m.
- 6.4.4 For any urban plazas in lieu of a **landscape buffer**, the following are minimum requirements:
- all **hard surface** areas shall **use** a decorative paving surface;
  - a minimum of two benches for public seating shall be provided;
  - a minimum of 3 trees, with a minimum 65mm **caliper** and rootball of 900mm, shall be provided; and,
  - pedestrian and decorative lighting must be provided.

## 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**.
- 6.5.2 Screen **fences** shall be consistent with the quality of **building** design and materials of the primary **building**.
- 6.5.3 Screening **fences** required for outdoor storage areas for temporary shelters shall be a combination of opaque and translucent or lattice design to ensure nature surveillance is permitted into the space. Screen **fences** and walls shall complement **building** design and materials. *(Bylaw 5788)*
- 6.5.4 Fencing type may be established in neighbourhood plans, building schemes or by precedent from **adjacent** properties.
- 6.5.5 Wood **fences** shall be designed to a high level of finish with materials of lumber grade standard or better. Wood posts shall be treated against rotting to provide for the longevity of the **fence**. **Fences** shall be constructed with all components of sufficient size, materials, and strength

THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Board of Variance Members

FILE: BOV00065

FROM: Matt Faucher, Current Planner

DATE: June 17, 2021

SUBJECT: **Board of Variance Application for 3001 18TH AVENUE (LOT 16 BL 2 SEC 34 TOWNSHIP 9 ODYD PLAN 1229)**

The subject property, located at 3001 18<sup>th</sup> Avenue (Figure 1 and 2) is within the RM1 – Row Housing Residential zone of Zoning Bylaw #5000. The application requests a relaxation of Section 9.10.6 of Zoning Bylaw #5000 (Attachment 1), minimum side yard setback from a flanking street of 4.5 m, to legalize an existing newly constructed secondary structure on the subject property.

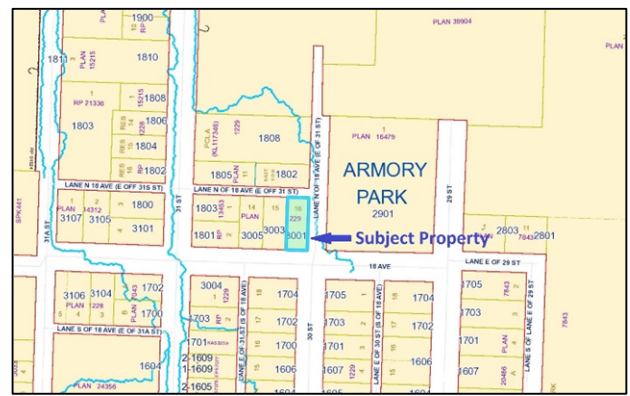


Figure 1: Property Location

The applicant has requested a variance for the location of a newly constructed accessory building due to an error in measurement made by the applicant. The applicant has a valid Building Permit for the structure (BP007771). When constructing the structure, the applicant measured the setback from the edge of a parking area adjacent to the subject property and did not realize that the parking area was not completely included within their legal lot boundaries (Attachment 2). When a survey was completed for the subject property (Attachment 3) it was confirmed that the accessory structure encroaches 0.55 m into the side yard setback.



Figure 2: Aerial Photo

As the structure is currently constructed on the subject property, the applicant is requesting that the Board consider authorizing a relaxation to the side yard setback requirements from 4.5 m to 3.95 m to allow the structure to remain in its current location. Moving the structure west by 0.55 m in accordance with Zoning Bylaw #5000 does not provide a significant benefit to the community, however, requiring the move would create a significant impact on the applicant.

Information provided by the applicant is attached for the Board's consideration in reviewing this application.

Should the Board decide to approve the application, the applicant would be permitted to complete their Building Permit and obtain occupancy for the structure.

Should the Board decide to decline the application, the applicants would be required to remove the structure from its current location and reconstruct it the subject property in accordance with the 4.5 m setback requirement.

Respectfully submitted,

Jun 18 2021 3:59 PM

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Matt Faucher DocuSign

Matt Faucher, Current Planner

## 9.10 RM1 : Row Housing Residential

### 9.10.1 Purpose

The purpose is to provide a **zone** for ground oriented medium **density row housing** on urban services.

### 9.10.2 Primary Uses

- **care centre, major**
- **duplex housing**
- **four-plex housing**
- **group home, major**
- **row housing**
- **semi-detached housing**
- **seniors housing**
- **single detached housing**

### 9.10.3 Secondary Uses

- **boarding rooms** (*Bylaw 5440*)
- **care centres, minor**
- **home based businesses, minor**
- **secondary suites (in single detached housing only)**
- **seniors assisted housing**
- **seniors supportive housing**

### 9.10.4 Subdivision Regulations

- Minimum **lot width** is 26.0m, except it is 7.5m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **lot area** is 800m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.
- Maximum **density** is 48.0 units per gross hectare (19.5 units/gross acre).
- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.

### 9.10.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
<b>Semi-Detached Housing</b>	225m <sup>2</sup>	275m <sup>2</sup>	7.5m	9.0m
<b>Row Housing</b>	150m <sup>2</sup>	200m <sup>2</sup>	6.5m	7.8m

### 9.10.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre).
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre). Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be

# 'ATTACHMENT 1'

determined through multiplying the additional 12.0 units per gross hectare (5 units/gross acre) by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 55%.
- 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 4.0m, except it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry.
- Minimum **side yard** is 1.2m, or 0.0m for shared interior **party walls** except it is 4.5m 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. The **side yard** is 0.0m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **rear yard** is 6.0m, except it is 1.0m for **secondary buildings**.
- Maximum six **dwelling** units located in a **building**, with each row housing unit having a minimum width of 6.5m and 7.5m for semi-detached housing units.

## 9.10.7 Other Regulations

- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**.  
(Bylaw 5540)
- In order for bareland strata **development** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the size, **height** and **setbacks** of the **building** as specified in each **zone**.
- A minimum area of 25m<sup>2</sup> of private open space shall be provided per **dwelling**.
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- No more than 6 **dwellings** may be located in a **row house building**.
- 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.
- 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)

# Variance Request and explanation.

3001 18 Av. Vernon

I erroneously assumed that the eastern boundary of the site on 3001 18 Av. extended to include parking pavement built by the former owner of the property.

I mistakenly measured 4.5 metres from that point to the eastern wall of the proposed building presently under construction.

After hiring Maddox surveyors, I discovered that the building infringed 0.52 metres from the surveyed boundary.

Two gravel alleyways border the eastern and northern sides of the building,

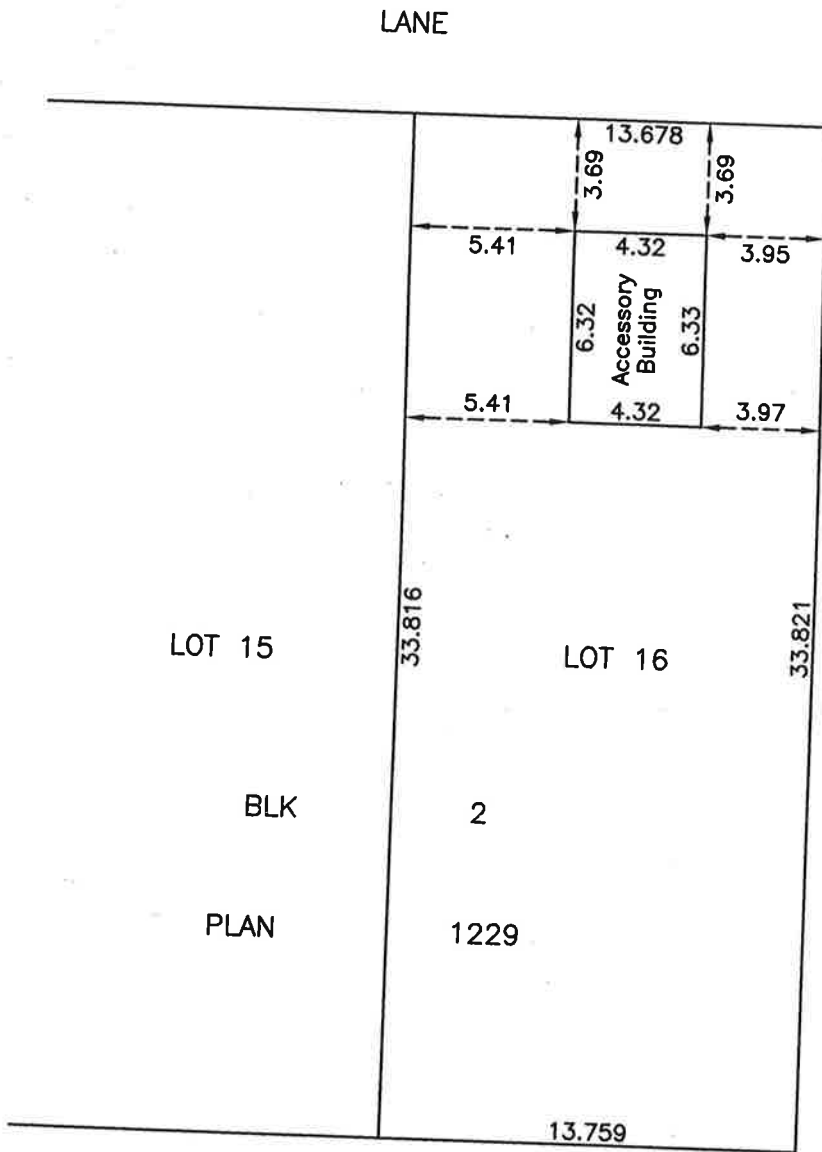
I have included some photos of the area.

Stewart Kawaguchi  
Stewart Kawaguchi



'ATTACHMENT 3'

NOT TO BE USED FOR RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.  
ALL DISTANCES ARE IN METRES.



Text

30th STREET

LOT 1  
PLAN 16479  
(ARMOURY PARK)

18th AVENUE

Certified correct this 12th day  
of November, 2020.

*[Signature]*  
B.C.L.S.



© SCOTT McPHERSON B.C.L.S. 2020

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

SURVEY CERTIFICATE SHOWING THE  
LOCATION OF ACCESSORY BUILDING UNDER  
CONSTRUCTION ON LOT 16, BLK 2, PLAN  
1229, SEC 34, TP 9, ODYD

SCALE: 1 : 250 OUR FILE: L5577

DATE: 12 Nov 2020 DRAWN: SM

Kawaguchi

**MADDOX & COMPANY**

LAND SURVEYORS

3500 - 30th STREET

VERNON, BC V1T 5E8

TELEPHONE: (250) 542-4343

L55770B00

THE CORPORATION OF THE CITY OF VERNON

**INTERNAL M E M O R A N D U M**

**TO:** Board of Variance Members

**FILE:** BOV00067

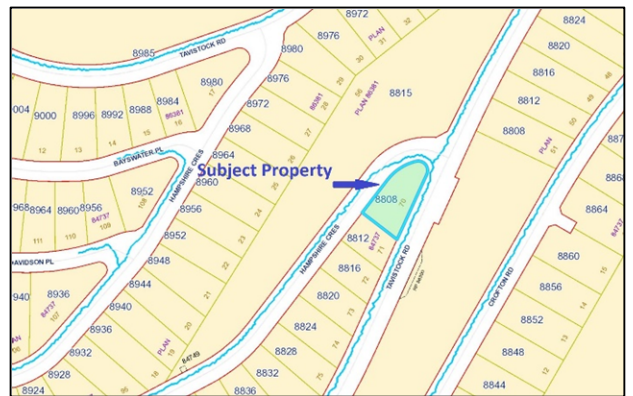
**FROM:** Matt Faucher, Current Planner

**DATE:** June 8, 2021

**SUBJECT:** *Board of Variance Application for 8808 HAMPSHIRE CRESCENT (LOT 70 PLAN KAP84737 DL 298 ODYD)*

The subject property, located at 8808 Hampshire Crescent (Figure 1 and 2) is within the R2 – Large Lot Residential zoning district of Zoning Bylaw #5000. The application requests a relaxation of Section 4.2.1 of Zoning Bylaw #5000 (Attachment 1), prohibition on locating swimming pools within a front yard or exterior side yard, to accommodate the construction of a swimming pool on the subject property.

The applicant has requested a variance for the location of a swimming pool given that the subject property is located on a corner lot with a curved lot line that abuts both Tavistock Road and Hampshire Crescent. A single family dwelling is currently being constructed on the subject property. The bulider and landscaping company have provided a detailed landscape plan with the intent of screening the pool location from both of the roadways. Given the location and shape of the property, there is no space available to install an at grade pool in accordance with the regulations contained in Section 4.2.1 of the Zoning Bylaw. The subject property is one of the largest parcels located on Hampshire Crescent (both in area and width).



**Figure 1: Property Location**



**Figure 2: Aerial Photo**

Information provided by the applicant is attached for the Board's consideration in reviewing this application.

Should the Board decide to approve the application, the applicant would be permitted to construct a swimming pool in accordance with the Statutory Building Scheme (LB110480) as registered on Title and in general accordance with Landscape Plan L1.0 dated April 12, 2021, prepared by Swan Lake Nurseryland attached to and forming part of this Memorandum (Attachment 2).

Should the Board decide to decline the application, the applicants would not be permitted to construct a swimming pool on the subject property.

Respectfully submitted,

Jun 18 2021 1:26 PM

X *Matt Faucher* ✓

Matt Faucher

DocuSign

Matt Faucher, Current Planner

# 'ATTACHMENT 1'

## 4.2 Swimming Pools

4.2.1 Swimming pools shall not be located in a **front yard** or an exterior **side yard**.

4.2.2 Above ground swimming pools shall meet the siting requirements of **secondary buildings**.

4.2.3 At grade swimming pools shall be located a minimum of 0.9m from **side lot line** and **rear lot line** and 1.5m from any **street**. Notwithstanding any other provision of this Bylaw, no **building** or part thereof shall be constructed, reconstructed, altered, moved, or extended, nor shall any **mobile home** or at grade swimming pool be located within 7.5m of the **natural boundary** of Lake Okanagan or stream as specified by the *Official Community Plan 2008* or any bylaw replacing same.

4.2.4 Fencing around swimming pools shall be in accordance with the *City of Vernon Building & Plumbing Bylaw No. 4900*, as amended.

## 4.3 Yards

4.3.1 A part of a **lot** reserved as a yard shall not be deemed to form part of any **abutting lot** for the purpose of computing the area available for **building** purposes or any other purpose.

4.3.2 Where a **lot** which is not a **corner lot** has frontage on more than one **street**, any **building, structure** or **secondary building** shall be located on such **lot** to maintain a **front yard** on each **street** frontage so as to be consistent with the predominant **front yard** setback in the block.

4.3.3 In the case of a **corner lot**, the **front yard** shall be the narrower of the two frontages.

## 4.4 Projections into Yards

4.4.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, **bay windows**, a cantilevered section of a **building**, portions of a building on a foundation or ornamental features may project into a required **yard** provided such projections do not exceed 0.6m. The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line,



**DRAWING NOTES**

**TURFGRASS SOD:**  
The contractor shall supply and place turfgrass sod to those areas shown on the drawing.  
Turfgrass sod product and method of installation shall conform to B.C. Landscape Standard latest edition.

**GROUND COVER ROCK:**  
The contractor shall supply and place groundcover rock to those areas shown on the drawings. Product shall be 25mm diameter.

All ground cover rock areas come with HJS Ground Cover woven fabric beneath them.

**OGOGROW MULCH:**  
The contractor shall supply and place OgoGrow mulch to those areas shown on the drawing.

No weed barrier fabric beneath OgoGrow mulch.

**GROWING MEDIUM:**  
All planting medium shall be new or amended topsoil capable of promoting healthy plant growth for those plants specified on the plant list.

**LANDSCAPE EDGING:**  
The contractor shall supply and place HJS 15cm Flat Strip plastic landscape edging to separate ground cover rock from OgoGrow mulch and turfgrass sod areas.

**IRRIGATION:**  
The contractor shall supply and place irrigation system. All work and products shall meet or exceed the Irrigation Association of B.C. standards and specifications.  
All tree, shrub beds and groundcover areas are to be irrigated with an automatically timed drip irrigation system.  
All sodded areas are to be irrigated with an automatically timed spray irrigation system.



Approved by the AB DRC 05.10.21

*Corrina Rinta*

PLANT LIST	ID	QTY	COMMON NAME	BOTANICAL NAME	SIZE
A	4	Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	60cm CAL	
B	2	Inato Shirene Laceleaf Maple	Acer palmatum 'Inato Shirene'	#10 CONT.	
C	13	Miss Kim Lilac	Syringa patula 'Miss Kim'	#02 CONT.	
D	6	Dwarf Mugo Pine	Pinus mugo 'Pumilio'	#02 CONT.	
E	12	Sensation Barbary	Berberis thunbergii 'Mony'	#02 CONT.	
F	14	Rosy Glow Barbary	Berberis thunbergii 'Rosy Glow'	#02 CONT.	
G	6	Royal Burgundy Barbary	Berberis thunbergii 'Gentry'	#02 CONT.	
H	37	Karl Foerster Reed Grass	Calamagrostis acutiflora 'Karl Foerster'	#01 CONT.	
I	12	Caradonna Blue Sage	Salvia nemorosa 'Caradonna'	#01 CONT.	
J	6	SuperBlue Lavender	Lavandula angustifolia 'SuperBlue'	#01 CONT.	
K	25	Shasta Daisy	Leucanthemum superbum 'Becky'	#01 CONT.	



**SWAN LAKE NURSERYLAND**  
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admin@myswanlake.com

**SITE NORTH**



**GENERAL CONDITIONS:**  
Check and verify all dimensions and dimensions prior to the start of construction unless the office diary confirmation is required. Written dimensions will always take precedence over scaled dimensions.  
This drawing may be used in conjunction with all drawings & specifications for the project contract. Contractors are responsible to verify all dimensions and confirm design instructions. Check for errors and omissions before construction begins. The contractor is responsible for any errors and omissions on the site.

DATE	ISSUED FOR	
12 APR 2021	Client Review	
#	DATE	REVISION

**PROJECT TITLE:**  
GILBERTSON RESIDENCE  
8808 HAMPSHIRE CRESCENT VERNON BC

**SHEET TITLE:**

**LANDSCAPE PLAN**

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**JOB NO:**  
Date: 12 APRIL 2021  
Scale: 1:100  
Drawn: DR  
Checked: RM

**SHEET NUMBER:**  
**L1.0**

**Subject:** FW: Lot 70-8808 Hampshire - Gilbertson - Pool Application Process - fence design for approval

## **Gilbertson Pool Variance Request Application - 8808 Hampshire Cres - Supplementary Information**

### **Some points to support the variance application:**

- the lot is oriented to the side. The majority of the yard land area is to the side. The lot is the widest lot on Hampshire at 150 ft wide. As indicated on the drawing there is ample room.
- the lot is the largest in square footage on Hampshire, which reinforces the fact there is ample room for a pool.
- there is minimal to no impact on neighboring lots as there is only 1 neighbor in close proximity and he is on the far side of proposal.
- The lot is surrounded by parkland which will not be developed and by road r/w.
- Swan lake landscaping have made extra effort to design a screening landscape plan to conceal the pool.

**\*\*\* Below is the approval email confirmation from Adventure Bay regarding the Pool Variance and is in support.**

---

**From:** Corrine Rinta  
**Date:** Tuesday, May 11, 2021 at 1:17 PM  
**To:** Renee McDonald  
**Cc:** Doug Chmelyk < >, Ken Dahlen < >  
< >  
**Subject:** RE: Lot 70-8808 Hampshire - Gilbertson - Pool Application Process? - fence design for approval

Hi Renee,

Okay to proceed with the landscape and pool, the attached plan has been approved by the AB DRC.

The approval is for Keith Construction, the AB Approved Builder to manage the install of the pool and landscaping.

Thank you

Corrine