



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

### **ADVISORY PLANNING COMMITTEE**

**September 7, 2022, AT 4:00 PM**

**OKANAGAN LAKE ROOM (COUNCIL CHAMBERS)**

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

1) **CALL TO ORDER**

2) **LAND ACKNOWLEDGEMENT**

*As chair of the City of Vernon's Advisory Planning Committee (APC), and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan nation.*

3) **ADOPTION OF AGENDA**

4) **ADOPTION OF MINUTES**

a) August 16, 2022 (attached)

5) **NEW BUSINESS**

- a) **DVP00556 (7567 KLINGER ROAD)**
- b) **DVP00572 (1607 POTTERY ROAD)**

6) **INFORMATION ITEMS**

a) Staff Liaison to provide verbal update of APC related items discussed at the last Council meeting.

7) **NEXT MEETING**

The next meeting is tentatively scheduled for **September 27, 2022**

8) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE  
ADVISORY PLANNING COMMITTEE MEETING  
HELD ON TUESDAY, AUGUST 16, 2022  
COUNCIL CHAMBERS (OKANAGAN ROOM) CITY HALL**

**PRESENT:** VOTING:  
Claire Ishoy  
Doug Neden  
Jamie Paterson  
Harpreet Nahal  
Mark Longworth (Chair)  
Mayor Cumming  
Monique Hubbs-Michiel  
Phyllis Kereliuk

GUESTS:  
Ed Stranks

**ABSENT:** Doug Neden  
Joshua Lunn  
Lisa Briggs  
Margaret Jarman

**STAFF:** Craig Broderick, Manager, Current Planning/Approving Officer  
Jennifer Pounder, Committee Clerk  
Michelle Austin, Current Planner  
Roy Nuriel, Planner, Economic Development

**ORDER** The meeting was called to order at **4:01PM**

**LAND  
ACKNOWLEDGEMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

**ADOPTION OF THE  
AGENDA** Moved by **D. Neden**, seconded by **M. Hubbs-Michiel**:

THAT the agenda of the August 16, 2022 meeting for Advisory Planning Committee be adopted:

**CARRIED**

**ADOPTION OF THE MINUTES**

Moved by M. Hubbs-Michiel, seconded by P. Kereliuk:

THAT the minutes for the ADVISORY PLANNING COMMITTEE meeting of July 16, 2022 be adopted:

**CARRIED**

**NEW BUSINESS:****ZON00386 / DVP00571  
(1608 43 AVENUE and  
4211 17 STREET)**

M. Austin, Planner, provided an overview of ZON00386 / DVP00571 (1608 43 Avenue/4211 17 Street), an application for rezoning and development variance permits in anticipation of subdivision.

- The applications before the Committee are to:
  - Rezone Lot A from R5 – Four-plex Residential to R4 – Small Lot Residential;
  - Varying Section 9.5.5, minimum rear yard, from 6m to 2.54m for the existing house on proposed Lot 1; and
  - Varying Section 9.5.5, minimum rear yard, from 6m to 4.82m for the existing house on proposed Lot 2.
- Staff supports the requested rezoning and variances.

The following comments / questions were posed by members of the Committee:

- In response to a question, Staff confirmed it is part of the recommendation that the access from 43<sup>rd</sup> Avenue be relocated to 17<sup>th</sup> Street.
- The Committee inquired regarding any future building plans. Staff confirmed there are no current redevelopment plans.
- The Committee inquired as to how many owners this property has. Staff confirmed there is currently one owner.

Moved by **M. Hubbs-Michiel**, seconded by **J. Paterson**:

THAT Council support Rezoning 00386 (ZON00386) to rezone Lot A, Sec. 2, TP 8, ODYD, Plan 32561 (1608 43 Avenue/4211 17 Street) from R5 – Four-plex Residential to R4 – Small Lot Residential,

AND FURTHER, that Council's support of ZON00386 is subject to the following:

- a) That the two existing sheds on proposed Lot 2 (4211 17 Street) shown on the site plan be removed prior to final bylaw adoption; and
- b) That the existing driveway on proposed Lot 1 (1608 43 Avenue) be relocated to 17 Street prior to final bylaw adoption;

AND FURTHER, that Council support Development Variance Permit 00571 (DVP00571) to vary Zoning Bylaw 5000 for Lot A, Sec. 2, TP 8, ODYD, Plan 32561 (1608 43 Avenue/4211 17 Street) by:

- a) Varying Section 9.5.5, minimum rear yard, from 6m to 2.54m for the existing house on proposed Lot 1; and
- b) Varying Section 9.5.5, minimum rear yard, from 6m to 4.82m for the existing house on proposed Lot 2.

AND FURTHER, that Council's support of DVP00571 is subject to the following:

- a) That the site plan (Attachment 3) to be attached to and form part of DVP00571.

### **CARRIED**

#### **OCP00096 / ZON00388 (3903 30<sup>TH</sup> STREET)**

R. Nuriel, Planner, Economic Development, provided an overview of OCP00096 / ZON00388 (3903 30<sup>TH</sup> Street), an application to amend the Official Community Plan land use designation at 3903 30<sup>th</sup> Street, and to rezone the property from 'R2 - Large Lot Residential' to 'RH1 - Low-Rise Apartment Residential' in order to develop a new multi-family housing development.

- The applicant is requesting to amend the Official Community Plan land use designation of Lot A, Plan KAP50281, Sec 3,

Twp 8, ODYD (3903 30<sup>th</sup> Street) from 'Mixed Use - Medium Density Commercial and Residential' to 'Residential Medium Density'; and

- that Council support, in principle, the application to rezone Lot A, Plan KAP50281, Sec 3, Twp 8, ODYD (3903 30<sup>th</sup> Street) from 'R2 – Large Lot Residential' to 'RH1 - Low-Rise Apartment Residential', in order to develop a new multi-family housing development.

The following comments / questions were posed by members of the Committee:

- The Committee inquired as to a housing deficiency in the downtown area. Staff revealed there are deficiencies all over the city..
- Staff confirmed they in the process of figuring out the access to the frontage of the property.
- The Committee inquired if the units are going to be rentals. Staff are still confirming with the applicant.
- The Committee inquired if the upgrading of 30<sup>th</sup> street will be done before people move in. Staff is unsure as to when the street upgrading will be complete, however, there will be upgrades required to the property access points, and these would be as development conditions.
- The Committee strongly suggests inputting a condition that a fence be built between the development and the railroad tracks. Staff confirmed the need for a fence is in the safety report and will be a required condition.
- The Committee inquired as to how many units there will be. Staff confirmed they are proposing more than 30 units, and they are working with the applicant to finalize the number.
- The Committee inquired about the address. Staff confirmed this is a detail that still has to be reviewed with staff in later date.
- The Committee inquired regarding rental units versus individually owned. Staff confirmed that from the City of Vernon's standpoint there is no control unless we enter into a housing agreement.

Moved by **J. Paterson**, seconded by **M. Hubs-Michiel**:

THAT Council support, in principle, the application to amend the Official Community Plan land use designation of Lot A, Plan KAP50281, Sec 3, Twp 8, ODYD (3903 30<sup>th</sup> Street) from 'Mixed Use - Medium Density Commercial and Residential' to 'Residential Medium Density';

AND FURTHER, that Council support presenting the proposed Official Community Plan Amendment application at a public open house in order to seek public input prior to the Public Hearing;

AND FURTHER, that Council support, in principle, the application to rezone Lot A, Plan KAP50281, Sec 3, Twp 8, ODYD (3903 30<sup>th</sup> Street) from 'R2 – Large Lot Residential' to 'RH1 - Low-Rise Apartment Residential', in order to develop a new multi-family housing development.

**CARRIED**

R. Nuriel, Planner, Economic Development, provided an overview of DVP00545 (6092 OKANAGAN LANDING ROAD), an application for a four story, 80 unit seniors supportive housing building.

**DVP00545 (6092  
OKANAGAN LANDING  
ROAD)**

- The application before the Committee is for a Development Variance Permit to vary Zoning Bylaw #5000.
- The site was amended for land use a few years ago.
- They are also requesting to reduce the amount of parking spaces for residents.
- Staff supports the requested Development Variance Permit.

The following comments / questions were posed by members of the Committee:

- The Committee inquired as to the reason why they increased scooter spaces from 16 to 88. Staff confirmed the applicant has experience with these facilities and they have a high scooter need.

- The Committee inquired if the 58 parking spaces include handicap parking. Staff confirmed they do.
- The Committee inquired if the scooter parking area is locked-up. Staff confirmed it is a locked-up area. There are other scooter parking spaces within the unit so residents can use their scooter on the elevator to get to their unit.
- The Committee inquired if there are any commercial spaces in the building. Staff confirmed some of the space could be used for personal services.
- The Committee inquired that if a unit like this requires that much less parking, should we be looking into changing the bylaws. Staff confirmed this is something that should be looked into as parking bylaws are outdated.
- The Committee inquired regarding the number of staff parking spaces as there is a potential for health care workers coming in and there are only 3 spaces which does not sound sufficient. Staff confirmed that the bylaw only requires 3 spaces.
- The Committee commented regarding the pictures of the landscape. There are trees in parking lot in the landscape plan, however they are not in drawing. The Climate Action plan says it needs to be shaded and they request exploring more trees in the parking area.

Moved by **D. Neden**, seconded by **J. Paterson**:

THAT Council support Development Variance Permit Application (DVP00545) to vary the following sections of Zoning Bylaw #5000 to allow for a four storey, 80 unit seniors supportive housing building to be constructed on Lot 1, Plan KAP92604, DL 66, ODYD (6092 Okanagan Landing Road):

- a) to vary the minimum number of required off-street parking spaces for residents from 94 spaces to 58 spaces (Section 7.1.2, Table 7.1);
- b) to vary the maximum number of small car parking space from 40% to 45% (Section 7.1.11);

AND FURTHER, that Council support of DVP00545 is subject to the following:

- a) the site plan, floor plans, elevations, landscaping plan and traffic impact assessment generally noted as Attachments 2-6 contained in the report titled "Development Variance Permit for 6092 Okanagan Landing Road" dated August 8, 2022 and respectfully submitted by the Economic Development Planner be attached to and form part of DVP00545 as Schedule 'A'.

### **CARRIED**

### **INFORMATION ITEMS:**

- a) Craig Broderick, Manager, Current Planning/Approving Officer, provided a brief overview regarding some of the projects discussed at Council on August 15, 2022, as follows:
  - **DVP00516 (3202 16 AVENUE)**  
The application is a DVP to alter the minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2 and that Council support entering into proposed Housing Agreement Bylaw 5919 for a period of 20 years.
  - **DVP00521 (9353 EASTSIDE ROAD)**  
The application is a DVP to allow construction of a building, structure or swimming pool on slopes 30% or greater.
  - **DVP00540 (7333 TRONSON ROAD)**  
The application is a DVP to allow construction of buildings, structures and swimming pools on slopes greater than 30% and to increase the maximum height of a retaining wall from 1.2m to 1.83m.
  - **DVP00544 (7163 APEX DRIVE)**  
The application is a DVP to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 100 m<sup>2</sup>.
  - **DVP00552 (3351 ALEXIS PARK DRIVE)**  
The application is a DVP to allow the construction of buildings, structures and swimming pools on slopes greater than 30%, to decrease the quantity of required parking spaces from 143 stalls to 117 stalls, permit an access to an arterial road and that a restrictive covenant be registered on title to ensure that the recommendations of the geo-technical report are implemented at the building permit stage.

- **DVP00558 (8841 ADVENTURE BAY ROAD)**  
The application is a DVP to increase the height of a retaining wall, from 1.2m (4.0ft) to 1.5m (5.0ft), and also increase the height of another retaining wall from 2.0m (6.4ft) to 2.5m (8.3ft).
- **DVP00577 / LUC00023 (9233 KOKANEE ROAD)**  
The application is to discharge the Land Use Contract Registration P2461 from title, allow construction on a slope  $\geq 30\%$ , increase maximum footprint from 90m<sup>2</sup> to 1041m<sup>2</sup> for a secondary suite, increase maximum footprint from 90m<sup>2</sup> to 180.7m<sup>2</sup> for a secondary suite, and increase maximum height from 6.0m to 6.6m of the sloped roof for a secondary suite.
- **SHORT TERM RENTAL REGULATION RECOMMENDATIONS**  
Gave a brief update on B. Everdene and R. Nuriel's presentation to Council.
- **BYLAW 5912**  
Received final approval.
- **BYLAW 5913**  
Received final approval.
- **BYLAW 5919**  
This bylaw is going back to council in early September.

**NEXT MEETING**

The next meeting for the Advisory Planning Committee is set for **WEDNESDAY, SEPTEMBER 7, 2022 at 4:00 PM.**

**ADJOURNMENT**

The meeting of the ADVISORY PLANNING COMMITTEE was adjourned by call of the Chair at **5:02 PM.**

**CERTIFIED CORRECT:**

\_\_\_\_\_ Chair



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** October 11, 2022  
**REPORT DATE:** August 29, 2022  
**FILE:** 3090-20 (DVP00556)

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7567 KLINGER ROAD

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## **PURPOSE:**

To review Development Variance Permit Application 00556 (DVP00556) to vary Section 4.5.4 of Zoning Bylaw 5000 to permit construction of a garage in the front yard of 7567 Klinger Road.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application 00556 (DVP00556) to vary Zoning Bylaw 5000 on LT 4, SEC 19, TWP 9, ODYD, PLAN 18350 (7567 Klinger Road) as follows:

- a) Section 4.5.4 to permit construction of a secondary building or structure in a front yard;

AND FURTHER, that Council's support of DVP00556 is subject to the following:

- a) That the site plan, building elevations and floor plans, intended to illustrate the size and location of the proposed garage (Attachment 1) in the report titled "Development Variance Permit Application for 7567 Klinger Road" dated August 29, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00556 as Schedule 'A'.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application 00556 (DVP00556) as outlined in the report titled "Development Variance Permit Application for 7567 Klinger Road" dated August 29, 2022 and respectfully submitted by the Current Planner to vary Section 4.5.4 of Zoning Bylaw 5000 to permit construction of a garage in the front yard of LT 4, SEC 19, TWP 9, ODYD, PLAN 18350 (7567 Klinger Road) as presented.

*Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw 5000.*

## **ANALYSIS:**

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

At its meeting of September 7, 2022, the Advisory Planning Committee passed the following resolution:

*"As Cited by the Committee."*

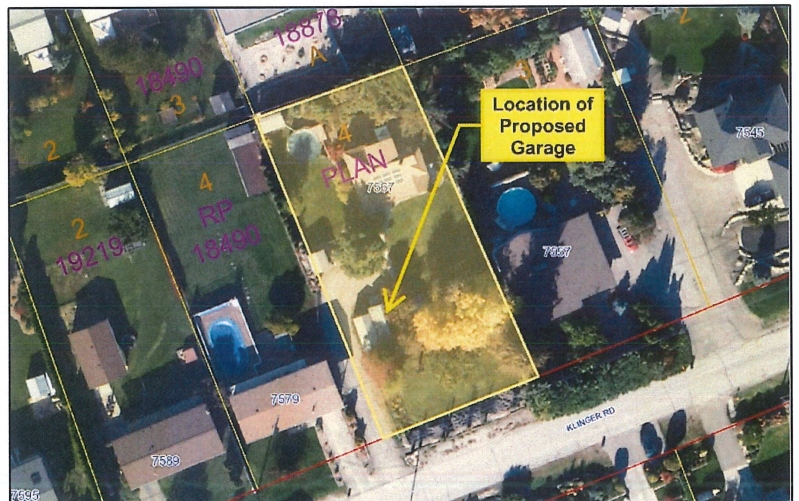
**B. Rationale:**

1. The subject property is located at 7567 Klinger Road (Figures 1 and 2). The land is designated as Residential Low Density (RLD) within the Official Community Plan (OCP) and is in the R2: Large Lot Residential zone (Attachment 2). The property is approximately 1,570 m<sup>2</sup> (0.388 ac) in size. The property is located in an established single detached residential neighbourhood, fronting onto Klinger Road.



**Figure 1 – Property Location Map**

2. The applicant has submitted a request to authorize the construction of a two car garage in the front yard of the subject property to replace an existing single car garage that is deteriorating, as well as a fabric structure.



**Figure 2 – Aerial Map**

3. The application proposes to permit a secondary building to be located in the front yard of the subject property as identified in Section 4.5.4 of Zoning Bylaw 5000 and the definition of Front Yard (Attachment 3) to accommodate the construction of a two car garage.

4. Zoning Bylaw 5000 defines a Front Yard as the space on a property between the front lot line and the front of the primary building. As the principal building is located at the rear of the site, the majority of the subject property is considered to be the Front Yard.

5. The lot currently contains a single detached dwelling, as well as a single car garage and a fabric structure. The applicant has submitted a site plan and building elevation drawings (Attachment 1). The proposed garage would replace the existing single car garage and the fabric structure located in the Front Yard of the subject property.

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

- a) The variance proposed replaces an existing structure on the site that needs replacement, as well as removes an exiting temporary fabric structure;
- b) The proposed construction is not likely to create additional negative impacts on neighbouring residential properties; and
- c) The grade of the subject property is lower than Klinger Road which would reduce the visual impact of the structure when viewed from roadway.

**C. Attachments**

- Attachment 1 – Site plan & Building Elevations
- Attachment 2 – R2: Large Lot Residential, Zoning Bylaw 5000
- Attachment 3 – Section 4.5.4 and definition of Front Yard, Zoning Bylaw 5000

**D. Council’s Strategic Plan 2019 – 2022 Goals/Action Items:**

N/A

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

1. The Official Community Plan (OCP) designates the property as RLD Residential Low Density. The property is within the R2: Large Lot Residential zoning district (Attachment 2).
2. The Specific Use Regulations of Zoning Bylaw 5000, Section 4.5.4 and the definition of Front Yard regulate the location of secondary buildings (Attachment 3).

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

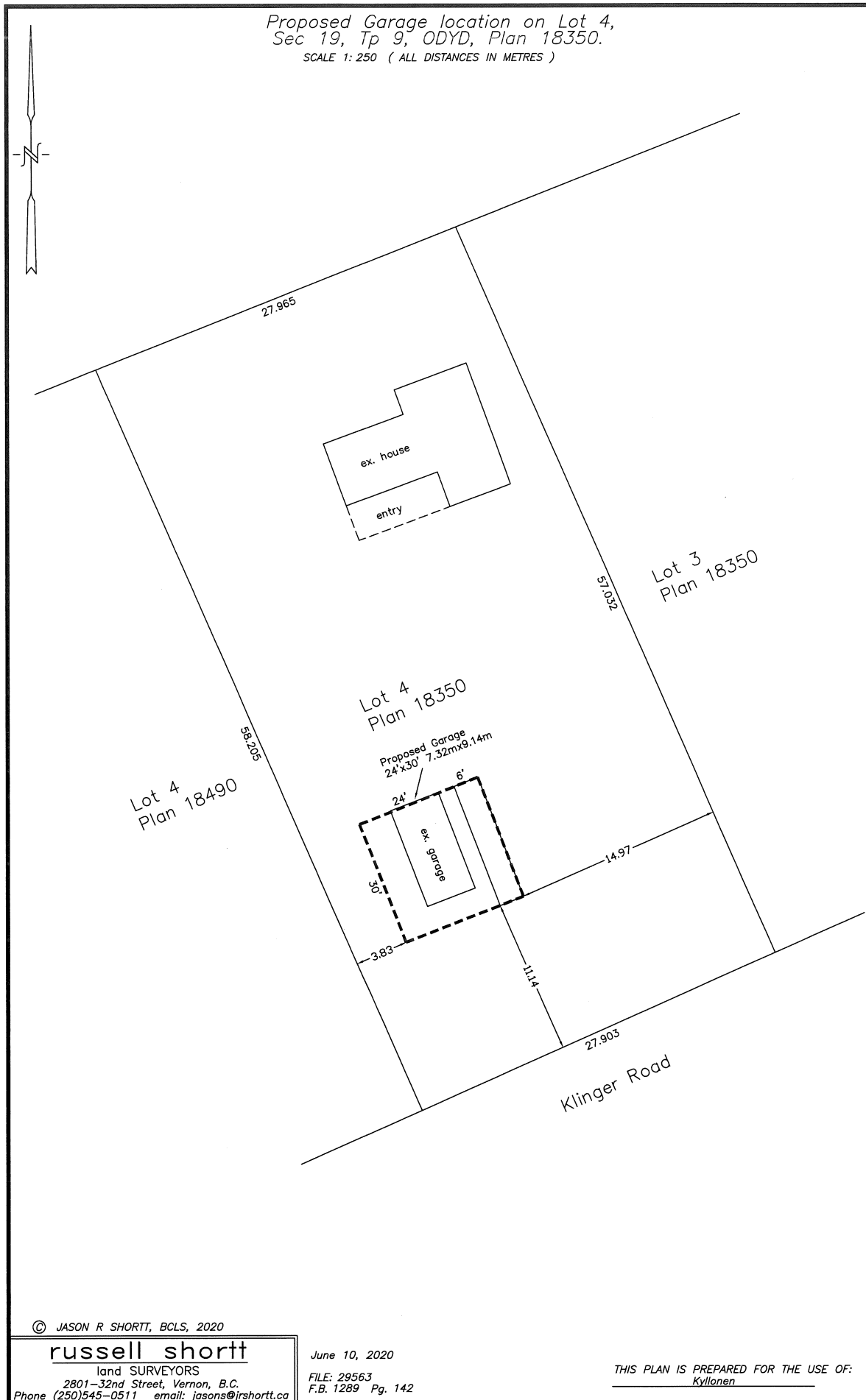
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|--|---|
| Prepared by:<br><br>X _____<br>Matt Faucher<br>Planner, Current Planning | Approved for submission to Council:<br><br>_____<br>Will Pearce, CAO<br><br>Date: _____ |
|--|---|

|  |  |
|--|--|
| X _____<br>Kim Flick<br>Director, Community Infrastructure and Development |  |
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| <b>REVIEWED WITH</b>  |   |  |
|---|---|--|
| <input type="checkbox"/> Corporate Services<br><input type="checkbox"/> Bylaw Compliance<br><input type="checkbox"/> Real Estate<br><input type="checkbox"/> RCMP<br><input type="checkbox"/> Fire & Rescue Services<br><input type="checkbox"/> Human Resources<br><input type="checkbox"/> Financial Services<br><input checked="" type="checkbox"/> COMMITTEE: APC (Sep.7/22)<br><input type="checkbox"/> OTHER: | <input type="checkbox"/> Operations<br><input type="checkbox"/> Public Works/Airport<br><input type="checkbox"/> Facilities<br><input type="checkbox"/> Utilities<br><input type="checkbox"/> Recreation Services<br><input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Current Planning<br><input checked="" type="checkbox"/> Long Range Planning & Sustainability<br><input checked="" type="checkbox"/> Building & Licensing<br><input checked="" type="checkbox"/> Engineering Development Services<br><input type="checkbox"/> Infrastructure Management<br><input checked="" type="checkbox"/> Transportation<br><input checked="" type="checkbox"/> Economic Development & Tourism |



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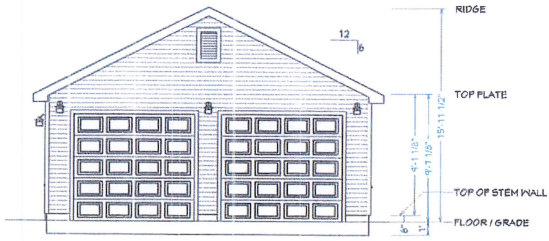
**russell shortt**  
land SURVEYORS  
2801-32nd Street, Vernon, B.C.  
Phone (250)545-0511 email: jasons@jrshortt.ca

June 10, 2020  
FILE: 29563  
F.B. 1289 Pg. 142

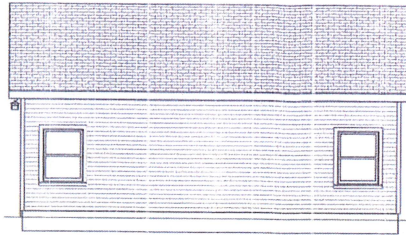
THIS PLAN IS PREPARED FOR THE USE OF:  
Kyllonen

These plans were not prepared by, nor checked by a licensed architect and/or engineer.  
 They are provided for informational purposes only. The user assumes all liability for the use of these plans. In whole or part, is strictly prohibited.

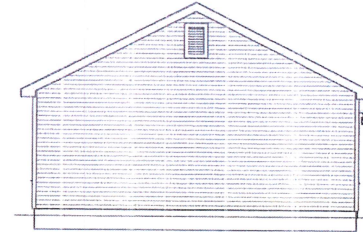
**Excellent Floor Plans**  
<https://sites.google.com/excellentfloorplans>  
<https://www.ebay.com/str/excellentfloorplans>  
<https://excellentfloorplans.etsy.com>



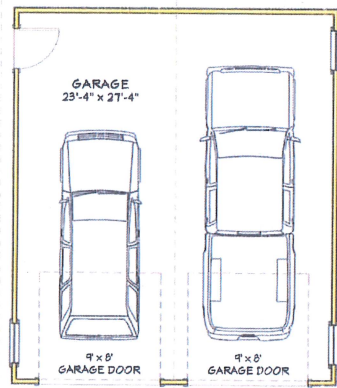
**FRONT ELEVATION**  
SCALE: 1/4" = 1'



**RIGHT ELEVATION**  
SCALE: 1/4" = 1'

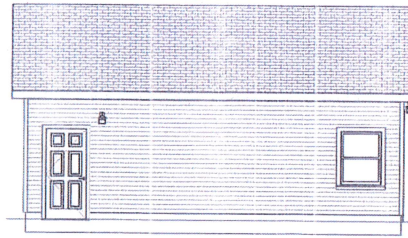


**REAR ELEVATION**  
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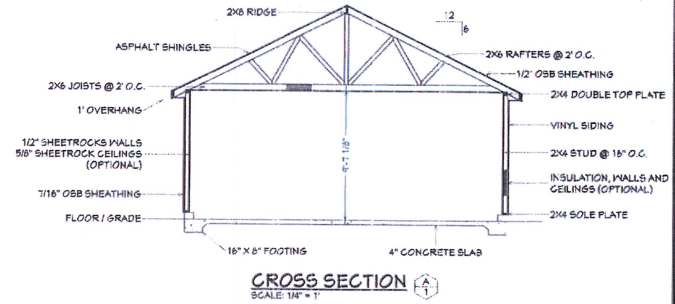


**24x28 Garage**  
**#24X28G1**

SQUARE FEET: 672  
 WIDTH: 24'  
 DEPTH: 28'  
 EXTERIOR WALL STRUCTURE: 2X4 STUDS



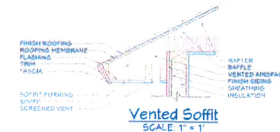
**LEFT ELEVATION**  
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**CROSS SECTION**  
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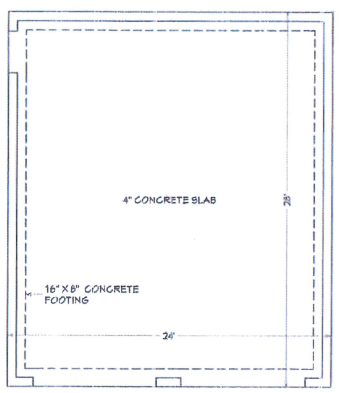
**BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, AND SPECS BEFORE CONSTRUCTION BEGINS. BUILDING TO BE BUILT AS PER LOCAL CODE REQUIREMENTS.**

To the best of my knowledge these plans are drawn to comply with owner's and/ or builder's specifications and any changes made on them after prints are made will be done at the owner's and / or builder's expense and responsibility. The contractor shall verify all dimensions and enclosed drawing. E.F.P. is not liable for errors. While every effort has been made in the preparation of this plan to avoid mistakes, the maker cannot guarantee against human error. The contractor of the job must check all dimensions and other details prior to construction and be solely responsible thereafter. All calculations and member sizing should be verified for your building by a certified building official.

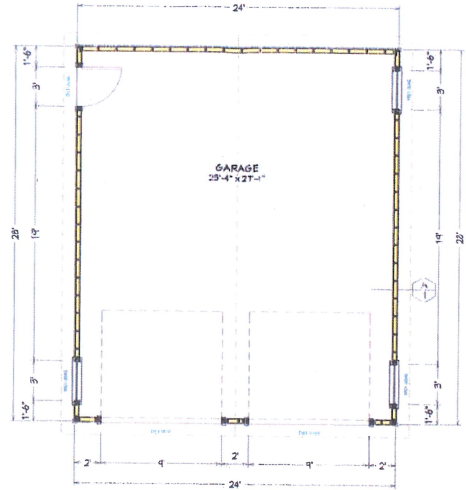


**Vented Soffit**  
SCALE: 1" = 1'

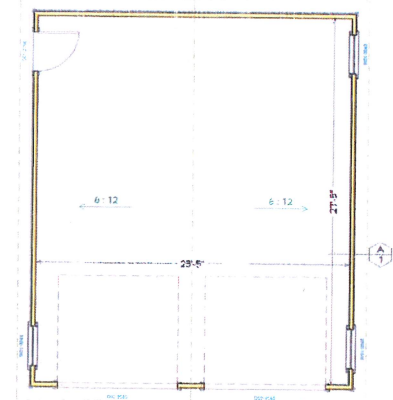




FOUNDATION PLAN  
SCALE: 1/4" = 1'



MAIN FLOOR PLAN  
SCALE: 1/4" = 1'

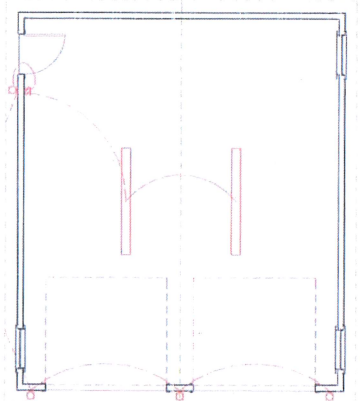


MAIN FLOOR PLAN  
SCALE: 1/4" = 1'

ALL WIRING TO BE INSTALLED AS PER ACTUAL JOBSITE CONDITIONS, ELECTRICAL CODE AND HOME OWNER OR INTERIOR LIGHTING CONSULTANT. SHOWN IS SUGGESTED PLACEMENT OF LIGHTING AND SWITCHING AND MUST BE APPROVED BY HOMEOWNER PRIOR TO WORK.

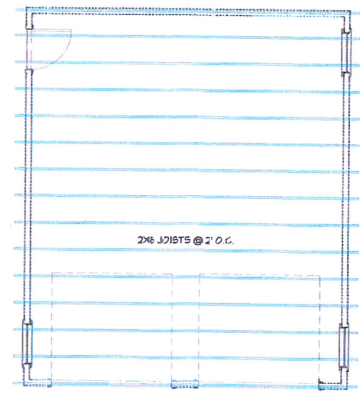
| DOOR SCHEDULE |          |     |                     |
|---------------|----------|-----|---------------------|
| NUMBER        | LABEL    | QTY | FLOOR SIZE COMMENTS |
| D01           | D01-3043 | 1   | 3043                |
| D02           | D02-3050 | 2   | 3050                |

| WINDOW SCHEDULE |          |     |                                 |
|-----------------|----------|-----|---------------------------------|
| NUMBER          | LABEL    | QTY | FLOOR SIZE DESCRIPTION COMMENTS |
| W01             | W01-3040 | 3   | 3040 (DOUBLE HUNG)              |

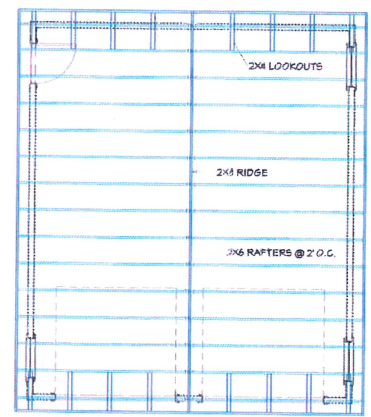


LIGHTING PLAN  
SCALE: 1/4" = 1'

24x28 Garage  
#24X28G1



CEILING FRAMING PLAN  
SCALE: 1/4" = 1'



ROOF FRAMING PLAN  
SCALE: 1/4" = 1'

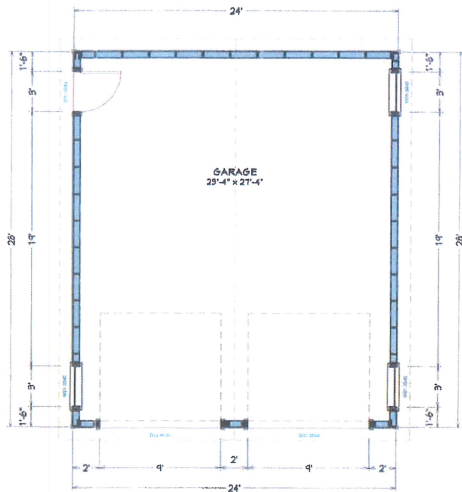
These plans were not prepared by or checked by a licensed architect and/or engineer. If a P.E. or P.E. also not represented or implied herein to be a licensed architect and/or licensed engineer. Resale of these plans, in whole or part, is strictly prohibited.

Excellent Floor Plans  
<https://sites.google.com/excellentfloorplans>  
<https://www.ebay.com/str/excellentfloorplans>  
<https://excellentfloorplans.etsy.com>

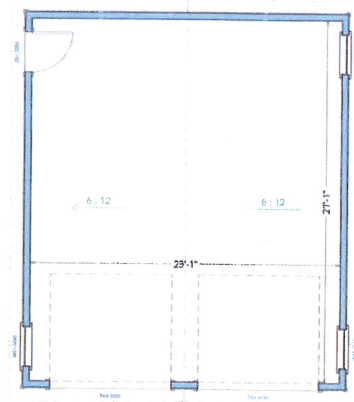
# IDEAS

24x28 Garage  
#24X28G1

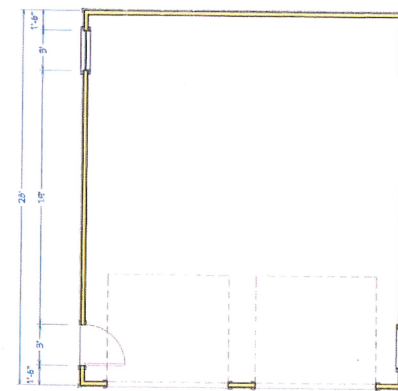
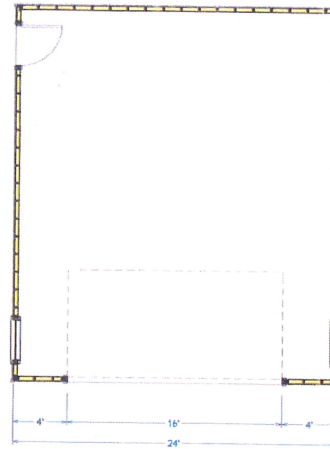
2x6 Exterior Walls @ 2' O.C.



MAIN FLOOR PLAN  
SCALE: 1/4" = 1'



MAIN FLOOR PLAN  
SCALE: 1/4" = 1'



PAGE:  
3  
SHEETS:  
3

These plans were not prepared by nor checked by a licensed architect and/or engineer. If it is used not prepared or may be used to be a licensed architect and/or engineer. Outside of these plans, in whole or part, is strictly prohibited.

**Excellent Floor Plans**  
<https://sites.google.com/excellentfloorplans>  
<https://www.ebay.com/str/excellentfloorplans>  
<https://excellentfloorplans.etsy.com>



## 9.3 R2 : Large Lot Residential

### 9.3.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on large sized urban serviced **lots**. The R2c sub-zoning district allows for **care centre, major** as an additional use. The R2h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

### 9.3.2 Primary Uses

- **care centre, major** (*use is only permitted with the R2c sub-zoning district*)
- **single detached housing**

### 9.3.3 Secondary Use

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R2h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

### 9.3.4 Subdivision Regulations

- Minimum **lot width** is 18.0m.
- Minimum **lot area** is 557m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.3.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 5.0m.
- Minimum **side yard** is 1.5m, except it is 5.0m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.3.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.

- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- 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)*

**WINTER GARDEN** means a landscaped courtyard, used for public and/or private enjoyment.

**WRECKING YARD** means a premise used for the collection, demolition, dismantlement, storage, salvage, recycling or sale of waste materials including scrap metal, vehicles, machinery, and other discarded materials.

## Y

**YARD** means an area created by setbacks from one or more lot lines in front, behind or on the sides of the buildings or structures on the site and measured 0.5m above grade. Yards shall be free of any buildings.

**YARD, FRONT** means that part of the site situated between the front lot line and the front of the primary building or structure extending across the full width of the site.

**YARD, REAR** means that part of the site situated between the rear lot line and the rear of any building or structure extending across the full width of the site.

**YARD, SIDE** means that part of the site extending from the front yard to the rear yard and situated between the side lot line and the closest side of any building or structure, except for fences.

**YARD, FLANKING** means that part of the site extending from the front yard to the rear yard and situated between the side lot line situated on a flanking street and the closest side of any building or structure, except for fences.

## Z

**ZONE** means the areas into which the city is divided in accordance with the maps attached as Schedule 'A' of this Bylaw and for which specific regulations are outlined herein for each area.

**ZOO** means the premise used for the permanent shelter, care and breeding of domesticated and/or wild animals for the purpose of public viewing and education. Secondary uses with a total maximum area of no more than 300m<sup>2</sup> shall include general retail store and primary food establishments.

### **Secondary buildings in Non-Residential Zones**

- 4.5.2 A **secondary building** or **structure** in any non-residential **zone** is subject to the **development** regulations for that **zone**.
- 4.5.3 Notwithstanding Section 4.5.2, a **secondary building** or **structure**, excluding **fences**, on a **lot** in a non-residential **zone**, which **abuts** a **lot** in a residential **zone**, shall not be less than 1.0 m from the boundary of the **lot** in a residential **zone**.

### **Secondary buildings in Residential Zones**

- 4.5.4 **Secondary buildings** or **structures**, excluding **fences**, are not permitted in a **front yard**.
- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite** in which case the Conditions of Use pertaining to Secondary Suites in Section 5.5 shall apply. (*Bylaw 5851*).
- 4.5.6 A **secondary building** or **structure** shall not exceed 4.5m or one **storey** in **height**, whichever is the lesser, unless specified otherwise in the **development** regulations of a particular **zone** or unless it is a **Secondary Suite** in which case Section 5.5 shall apply. (*Bylaw 5851*).
- 4.5.7 **Lot** coverage of **secondary buildings** or **structures** shall not exceed 14% or a maximum area of 90m<sup>2</sup> for **secondary buildings** in the residential **zones**.
- 4.5.8 There shall be at least 2.0 m spatial separation between a **secondary building** and a primary **building**.
- 4.5.9 **Secondary buildings** and **structures** shall be located on an **interior lot** as follows:
- a **secondary building** shall not be located closer than 18.0m to the **front lot line** unless it complies with the **side yard** requirements for a primary **building**;
  - a **secondary building** shall be located not less than 1.0m from the **side lot line** or shall be unrestricted where the **secondary building** does not exceed the permitted **fence height**,
  - a **secondary building** housing a **secondary suite** shall have the same **side yard** requirements as for the primary **building** in that **zone**.
  - mechanical equipment shall be located to comply with the **side yard** for the primary **building**.



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** October 11, 2022  
**REPORT DATE:** August 31, 2022  
**FILE:** 3090-20 (DVP00572)

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 1607 POTTERY ROAD**

---

**PURPOSE:**

To review Development Variance Permit Application 00572 (DVP00572) to vary Section 9.3.6 of Zoning Bylaw 5000 to permit access to the subject property from Pottery Road.

**RECOMMENDATION:**

THAT Council support Development Variance Permit Application 00572 (DVP00572) to vary Zoning Bylaw 5000 on LT 4, SEC 35, TWP 9, ODYD, PLAN 21248 (1607 Pottery Road) as follows:

- a) Section 9.3.6 to permit vehicular access to the subject property from Pottery Road;

AND FURTHER, that Council’s support of DVP00572 is subject to the following:

- a) That the site plan (Attachment 1) in the report titled “Development Variance Permit Application for 1607 Pottery Road” dated August 31, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00572 as Schedule ‘A’.

**ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application 00572 (DVP00572) as outlined in the report titled “Development Variance Permit Application for 1607 Pottery Road” dated August 31, 2022 and respectfully submitted by the Current Planner to vary Section 9.3.6 of Zoning Bylaw 5000 to permit access to the subject property from Pottery Road on LT 4, SEC 35, TWP 9, ODYD, PLAN 21248 (1607 Pottery Road) as presented.

*Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw 5000.*

**ANALYSIS:**

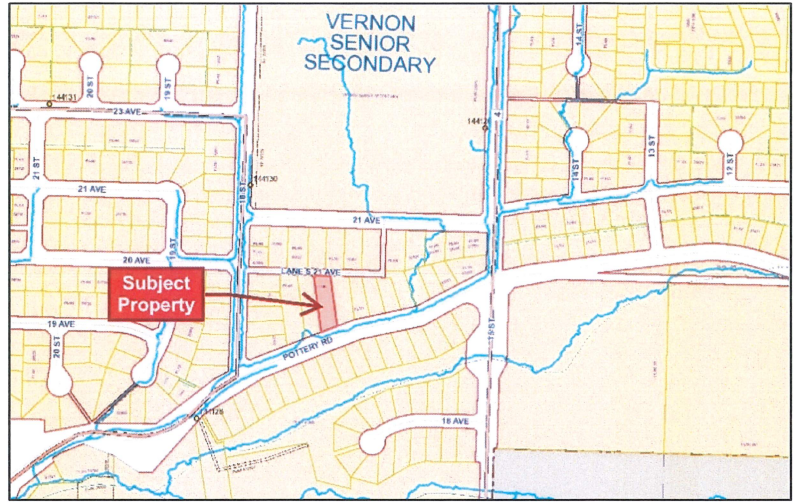
**A. Committee Recommendations:**

At its meeting of September 7, 2022, the Advisory Planning Committee passed the following resolution:

*“As Cited by the Committee.”*

**B. Rationale:**

1. The subject property is located at 1607 Pottery Road (Figures 1 and 2). The land is designated as Residential Low Density (RLD) within the Official Community Plan (OCP) and is in the R2: Large Lot Residential zone (Attachment 2). The property is approximately 1,250 m<sup>2</sup> (0.31 ac) in size. The property is located in an established single detached residential neighbourhood, fronting onto Pottery Road and has access from the Lane south of 21 Avenue.



**Figure 1 – Property Location Map**

2. The applicant has submitted a request to permit access to the subject property in support of a proposed bare land strata subdivision application (SUB00781). Should the requested variance be authorized, the subdivision would proceed creating two lots with one lot having access from Pottery Road and the other having access from the Lane.



**Figure 2 – Aerial Map**

3. The subject property contains a single detached dwelling on the northern portion of the lot. Given the location of the existing dwelling, creating access from the Lane to the southern portion of the lot is problematic and would require removing a portion of the dwelling.

4. Zoning Bylaw 5000 requires that when a lot has access to a lane, that the vehicular access to the lot be only permitted from said lane. As the principal building is located at the rear of the site and spans the distance between the side yard setbacks, the majority of the subject property is not accessible from the Lane. The subject property meets the minimum lot size requirements to be subdivided, however subdivision would not be possible without the second lot having access from Pottery Road.

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

- a) The variance proposed, if approved, would allow for the creation of an additional dwelling unit to be constructed in close proximity to Vernon Senior Secondary School, as well as other services and transportation options.

**C. Attachments**

Attachment 1 – Site Plan

Attachment 2 – R2: Large Lot Residential, Zoning Bylaw 5000

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

N/A

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

1. The Official Community Plan (OCP) designates the property as Residential Low Density (RLD).
2. The property is within the R2: Large Lot Residential zoning district (Attachment 2).

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

X \_\_\_\_\_  
 Matt Faucher  
 Planner, Current Planning

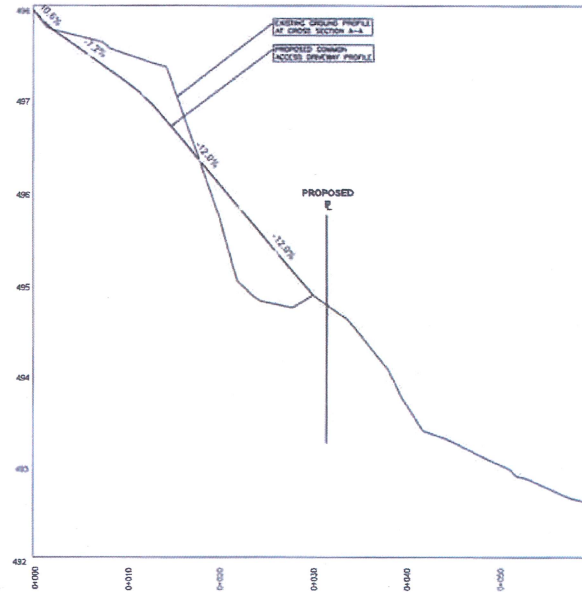
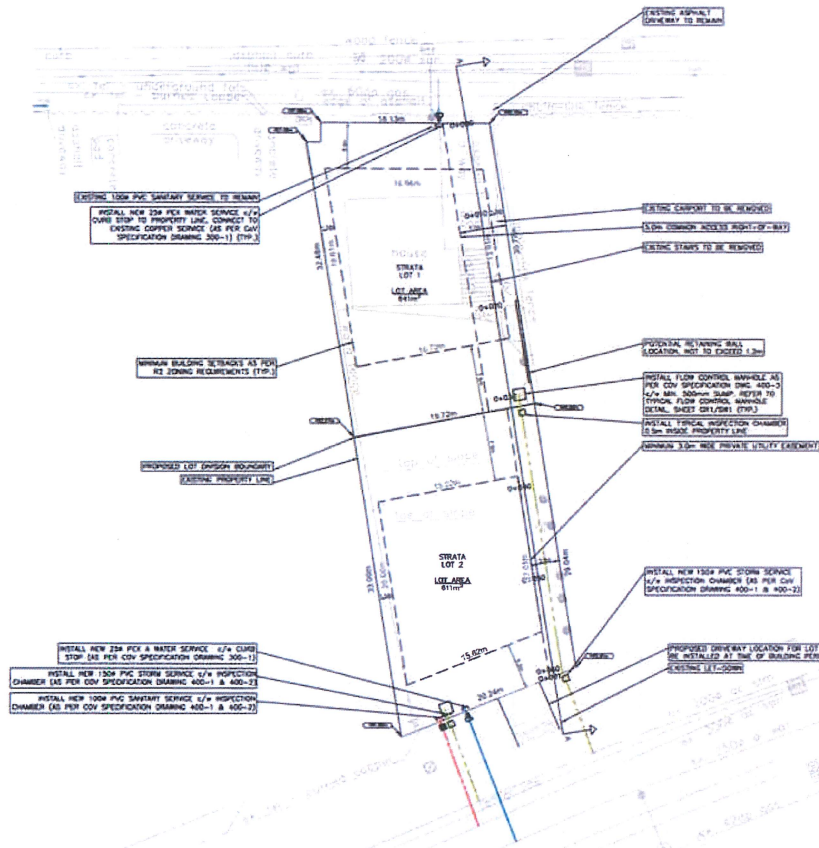
\_\_\_\_\_  
 Will Pearce, CAO

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

X \_\_\_\_\_  
 Kim Flick  
 Director, Community Infrastructure and Development

| REVIEWED WITH   |   |  |
|---|---|--|
| <input type="checkbox"/> Corporate Services                   | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                     | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                          | <input type="checkbox"/> Facilities           | <input checked="" type="checkbox"/> Building & Licensing                 |
| <input type="checkbox"/> RCMP                                 | <input type="checkbox"/> Utilities            | <input checked="" type="checkbox"/> Engineering Development Services     |
| <input type="checkbox"/> Fire & Rescue Services               | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management                       |
| <input type="checkbox"/> Human Resources                      | <input type="checkbox"/> Parks                | <input checked="" type="checkbox"/> Transportation                       |
| <input type="checkbox"/> Financial Services                   |   | <input checked="" type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Sep.7/22) |   |  |
| <input type="checkbox"/> OTHER:                               |   |  |

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SECTION A-A - PROPOSED COMMON ACCESS

| REV. No. | DATE     | DESIGNED | DRAWN | CHECKED | DESCRIPTION         |
|----------|----------|----------|-------|---------|---------------------|
| REV-0    | 25/05/21 | JSL      | JSL   | BTL     | ISSUED FOR APPROVAL |
|          |          |          |       |         |                     |
|          |          |          |       |         |                     |
|          |          |          |       |         |                     |
|          |          |          |       |         |                     |

DRAFT

**LAWSON**  
 ENGINEERING & DEVELOPMENT  
 825C LAKESHORE DRIVE W  
 PO BOX 108 SALMON ARM, BC V1E 4N2  
 PH: (250) 832-3220

SCALE  
 H: 1:250  
 V: 1:12.5  
 SHEET  
 1 of 1

TITLE  
 1607-POTTERY-ROAD  
 PROPOSED-SUBDIVISION-PLAN

DRAWING NUMBER  
 101-1

## R2

## 9.3 R2 : Large Lot Residential

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### 9.3.3 Secondary Use

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- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
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- **home based businesses, major** (*use is only permitted with the R2h sub-zoning district*)
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- **seniors supportive housing**

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*(Bylaw 5440)*