



CORPORATION OF THE CITY OF VERNON

BOARD OF VARIANCE

THURSDAY, JUNE 22, 2023, AT 3:00 PM

Okanagan Lake Room (Council Chamber) City Hall

A G E N D A

1) CALL TO ORDER

2) LAND ACKNOWLEDGEMENT

As chair of the Board of Variance, 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.

3) ADOPTION OF AGENDA

4) ADOPTION OF MINUTES

a) February 24, 2023 (attached)

5) APPEAL – BOV00068 – ADDRESS: 3609 36th Avenue

a) The applicant is requesting permission to vary Section 6.5.12 of Zoning Bylaw #5000 to allow combined height of a fence located on top of a retaining wall from 2m to 3m.

v. Open on Public Input - Applicant
Notified Public and others
Planning Department Representative

vi. Close of Public Input

6) **APPEAL – BOV00070 – Address: 3610 25th Avenue**

a) The applicant is requesting permission to vary Section 6.5.1 (i) in Zoning Bylaw #5000 to accommodate an existing over height fence from 1.2m (4.0 ft) to 1.8m (5ft 11in). **Note:** This is for Alberta Place, which is an affordable housing development that was approved under DP000813 / DVP00455.

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

vi. Close of Public Input

7) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE
BOARD OF VARIANCE**

HELD FEBRUARY 24, 2023 AT 3:00 PM

OKANAGAN LAKE ROOM (COUNCIL CHAMBERS) CITY HALL

PRESENT: Cameron Carpiak
Caren Walker
Daniel Schnick
Reiner Stass
Teagan Seutter

STAFF: Jennifer Pounder, Recording Secretary
Matt Faucher, Current Planner

ORDER The meeting was called to order at 3:06 p.m.

**LAND
ACKNOWLEDGEMENT** *As Chair of the Board of Variance, 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 Member Schnick, seconded by Member Walker:

THAT the agenda of the Board of Variance meeting for February 24, 2023 be adopted:

CARRIED

**ADOPTION OF THE
MINUTES** Moved by Member Walker, seconded by Member Stass:

THAT the minutes for the Board of Variance meeting of July 26, 2021 be adopted.

CARRIED

NEW BUSINESS:**ORIENTATION**

M. Faucher, Planner, provided an orientation to the Board that covered the following items:

- Bullying & Harassment Policy review.
- Role of the Board of Variance.
- Role of City of Vernon and its employees.
- Rules governing the Board.
- It was recommended that all Board members review the training material provided by Staff containing material from training the Board and Staff received in September, 2022, from Alyssa Bradley of Young Anderson, Barristers & Solicitors.
- Staff further recommended the Board take the following steps when an application is received:
 1. Decide if the application is in the Boards jurisdiction,
 2. Determine the merits of the application, and
 3. Confirm the rationale statements behind the Board's decision.

The following questions / comments were posed by the Board:

- In response to a question, Staff confirmed each application received is reviewed by staff and then forwarded to any relevant city department for consultation, if needed. If there are any concerns or conflicting requests with City bylaws, Staff would provide the Board with an overview to reference when considering an applicants request.
- Staff recommends that each member of the Board visit the address of each application before the meeting, and reiterated that this must be done separately.
- The Board commented they are appreciative of receiving Staffs perspective and also to have the ability to get an inspector or other Staff's opinions as there may be a history that would be beneficial to be aware of.

**ROUNDTABLE
INTRODUCTIONS**

Roundtable introductions were made by the Board and Staff.

**ELECTION OF CHAIR
AND VICE CHAIR**

Cameron Carpiak self-nominated for the position of Chair. No other nominations were made. Cameron Carpiak is declared to be the chair of the Board of Variance for 2023.

Reiner Stass self-nominated for the position of Vice Chair. No other nominations were made. Reiner Stass is declared to be vice chair of the Board of Variance for 2023.

INFORMATION ITEMS:

NEXT MEETING

The next meeting for the Board of Variance is set for April 27, 2024 at 3:00 p.m.

MOTION TO ADJOURN

Moved by Member Stass, seconded by Member Schnick:

THAT the meeting of the Board of Variance be adjourned.

CARRIED

ADJOURNMENT

The meeting of the Board of Variance adjourned at 4:05 p.m.

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Board of Variance Members

FILE: BOV00068

FROM: Matt Faucher, Current Planner

DATE: May 25, 2023

SUBJECT: BOARD OF VARIANCE APPLICATION FOR 3609 – 36th Avenue (LT 6 PL 8819 SEC 3 TWP 8 ODYD)

The subject property, located at 3609 – 36th Avenue (Figures 1 and 2) is within the R2 – Residential Large Lot zoning district of Zoning Bylaw #5000. The application requests to vary Section 6.5.12 of Zoning Bylaw #5000 (Attachment 1) to allow combined height of a fence located on top of a retaining wall from 2m to 3m.

The applicant has requested the existing wall and fence be authorized to remain in place based on safety, security, privacy and financial considerations.

Information provided by the applicant is attached (Attachment 2) for the Board’s consideration in reviewing this application.

Should the Board decide to approve the application, the applicant would be permitted to retain the existing wall and fence as constructed.

Should the Board decide to decline the application, the applicant would need to alter the installation to achieve bylaw compliance.

Respectfully submitted,

[Signature]
Matt Faucher, Current Planner

Attachment 1 – Zoning bylaw #5000
Attachment 2 – Supporting Information Provided by Applicant



Figure 1: Property Location



- 6.5.6 Screening fences shall be opaque double-sided construction. Where screen fences are allowed or required by this Bylaw, they shall be of an opaque or a combination of opaque, translucent or lattice design.
- 6.5.7 No fence constructed at the natural grade in residential zones, shall exceed 2.0m in height, except where abutting an agricultural or commercial zone the maximum height is 2.4m.
- 6.5.8 No fence in a commercial or industrial zone shall exceed 2.4m.
- 6.5.9 Industrial zones are to have an opaque 2.4m high fence along all property lines abutting non-industrial zones and around wrecking yards that are visible from a street abutting the property.
- 6.5.10 No barbed wire or electrified fencing shall be allowed in any residential, commercial, public or industrial zones except:
- in RR zone for use in livestock enclosures; and
 - in P2 zone where the site is used for detention and correctional services.
- Razor wire fences shall not be permitted in any zone.
- 6.5.11 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2m measured from grade on the lower side, and must be constructed so that multiple retaining walls are spaced to provide at least a 1.2m horizontal separation between them.
- 6.5.12 In the case of a retaining wall constructed in accordance with Section 6.5.11, the combined height of a fence on top of a retaining wall at the property line or within 1.2m of the property line shall not exceed 2.0m, measured from natural grade at the property line (see Diagram 6.1).
- 6.5.13 Notwithstanding Section 6.5.11, a retaining wall may be higher than 1.2m, measured from grade, where the natural grade of the subject property is lower than the abutting property (see Diagram 6.2).
- 6.5.14 In the case of a retaining wall constructed in accordance with Section 6.5.13, the maximum height of a fence, or portion of retaining wall extending above the natural grade of the abutting higher property, or combination thereof, shall be 2.0m, measured from the natural grade of the abutting higher property (see Diagram 6.2).

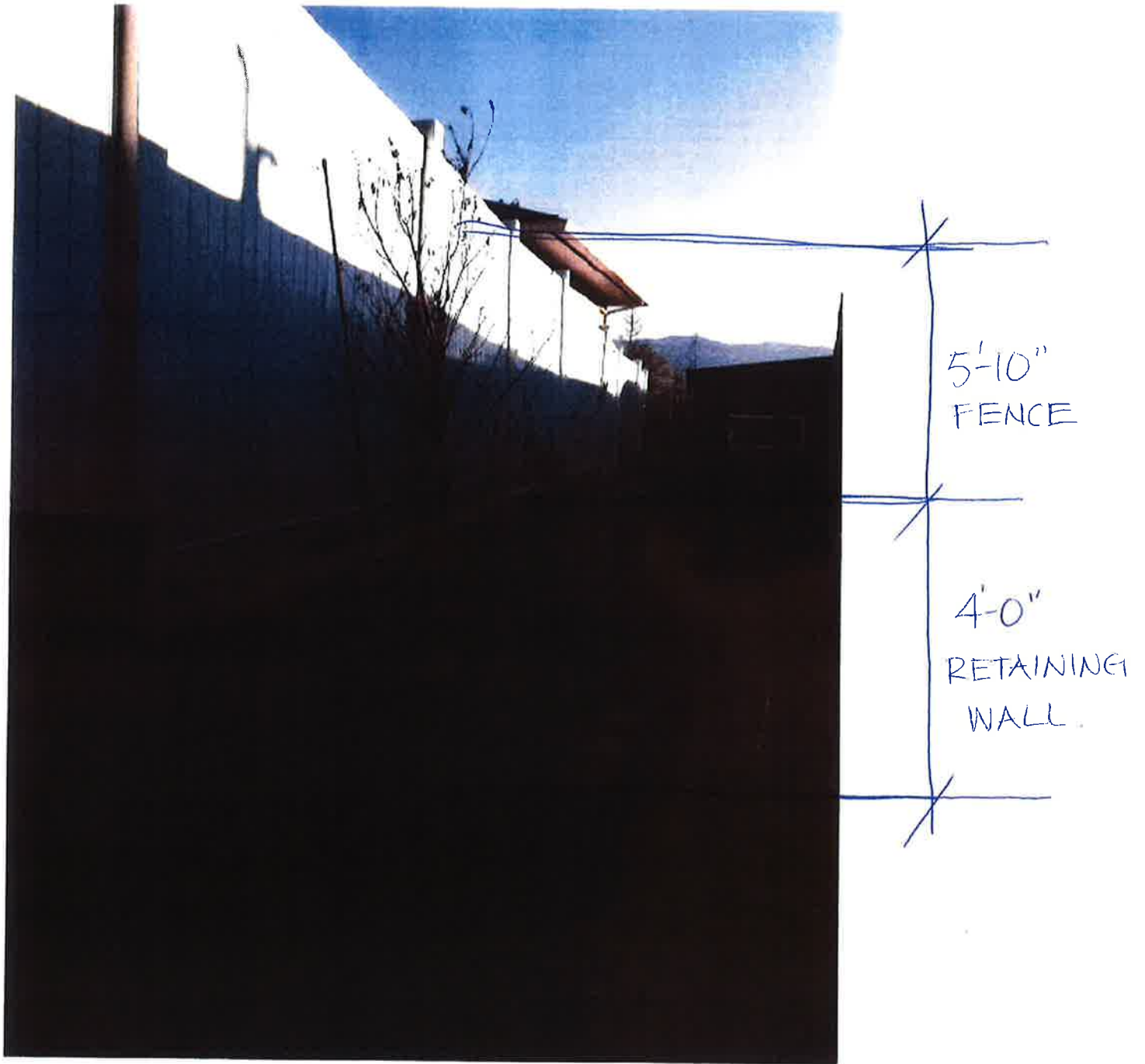


19 0 9 19 Meters

1: 373

© Corporation of the City of Vernon

This drawing has been produced by the City of Vernon's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of Vernon makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



Hand-drawn diagram overlaid on the photograph, showing a vertical line with three horizontal tick marks. The top tick mark is labeled "5'-10\"/>

INSIDE NEIGHBOURS YARD.



RETAINING
WALL HEIGHT
4'-0"

IN NEIGHBOURS YARD

INSIDE NEIGHBOURS YARD

APPLICANT DESIGN RATIONAL

City of Vernon

Re: Fence Height Complaint - Bylaw File Ref. 2020.0801

Accept this letter describing why we are asking for consideration of a variance to the bylaw. We request that the fence remain the height it is and in the position it is. The reasons being for safety, security, and privacy.

The two choices in complying with the bylaw are 1. To cut the height of the fence to 2.4 feet or 2. To move the fence into our yard 4 feet from the outer edge of the top of the retaining wall.

If we cut the height of the fence to 2.4 feet, there would be a problem with safety, security, and privacy.

The safety issue is a danger of falling. That would be a fall of 6 feet down onto the neighbours' cemented yard as we are gardening. Both of us are seniors approaching 80 and are less steady that we used to be. This could be devastating. We also have a dog who could jump the fence.

The security issue is that with a short fence above a scaleable 4 foot retaining wall, an intruder could easily gain access into our yard. The neighbourhood is close to downtown and has had less desirable people wandering in the area. Before the fence was erected we had two occasions where there was theft of articles from our yard. Since then we have had gas removed from our car and articles removed from our car. So these people still frequent the area. We do feel much safer at home with our six foot fence.

The privacy is obvious for us, but with a short fence our neighbours to the West also would have less privacy, as they would see us up above them as we are working in the yard.

If we move the fence into our yard, that would leave a few feet that we would still be responsible to keep neat and free of weeds. The issue of safety would arise as there would be no protection from falling at all.

Also if we move the fence into the yard, our air conditioner would be bisected so that part would be on one side of the fence and part on the other side. This would make it very difficult for servicing the unit.

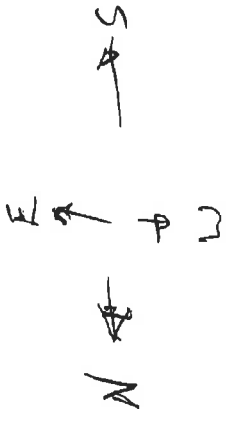
To obtain the pictures to accompany this application, David talked with the neighbours who originally filed the complaint. They said that do not object to the height of the fence.

The retaining wall and fence were erected six years ago.

Another problem we have, of course is financial, as being seniors, we are living on our pension.

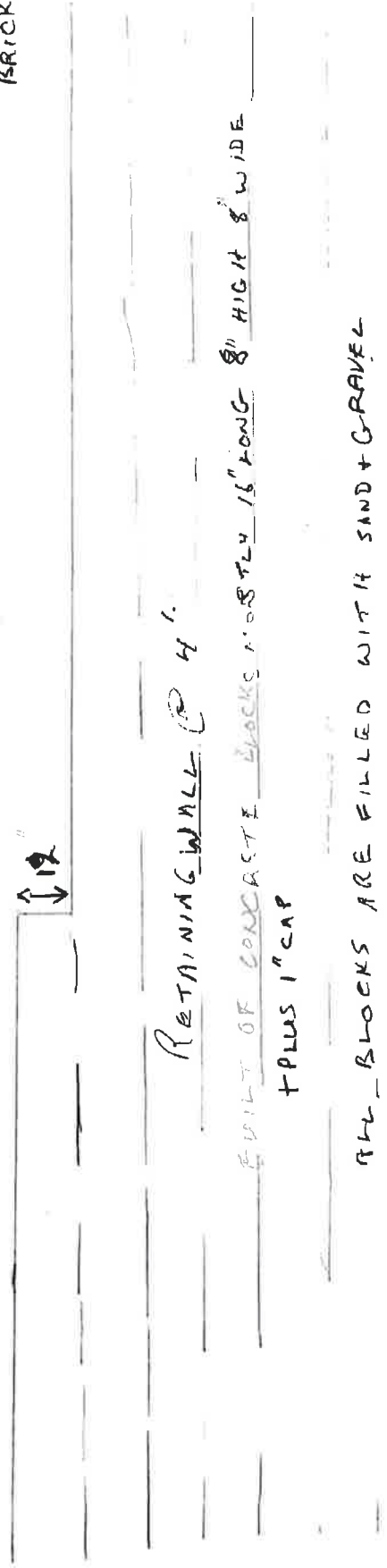
We hope that you will consider our application favourably.


David C. Robertson



M

FENCE PANELS ARE 70" HIGH AND ARE STEPPED DOWN IN LINE WITH THE STEP DOWN OF THE WALL



INTERNAL MEMORANDUM

TO: Board of Variance Members

FILE: BOV00070

FROM: Matt Faucher, Current Planner

DATE: May 25, 2023

SUBJECT: BOARD OF VARIANCE APPLICATION FOR 3610 – 25th AVENUE (AMENDED LT 2 (DD272719F) DL 71 ODYD PLAN 9095, EXCEPT PLANS M8066, 20058, AND EPP98644

The subject property, located at 3610 – 25th Avenue (Figures 1 and 2) is within the RH1 – Low Rise Apartment 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 1.2m (4.0ft) to 1.8m (5ft 11in) to accommodate an existing over height fence to provide security and privacy for the residents of the project.



Figure 1: Property Location

The applicant has requested the variance to the maximum fence height regulation based on safety and security concerns and to discourage trespassers cutting through between 24th Avenue and 25th Avenue.

Information provided by the applicant is attached (Attachment 2) for the Board’s consideration in reviewing this application.



Figure 2: Aerial Photo

Should the Board decide to approve the application, the fence would be permitted to remain at 1.8m (5ft 11in) along the property line fronting 24th Avenue.

Should the Board decide to decline the application, the fence would not be permitted to remain at 1.8m and would require modification to meet bylaw requirements.

Respectfully submitted,



Matt Faucher, Current Planner

Attachment 1 – Zoning Bylaw #5000

Attachment 2 – Support Information Provided by Applicant

G:\3700-4699 LEGISLATIVE AND REGULATORY SERVICES\3730 BOARD OF VARIANCE APPEALS\20 Applications\BOV00070\2 PROC\Memo\250523_BOV00070_Committee_Memo.docx

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

LAKEMONSTERSTUDIO
ARCHITECTURE + DESIGN

22 October, 2021 **Revised May 11, 2023**

City of Vernon
Planning Department
To: BUILDINGCOUNTER@VERNON.CA

cc.
Roy Nuriel
Economic Development Planner
rnuriel@vernon.ca

Re: Variance Application

To whom it may concern,

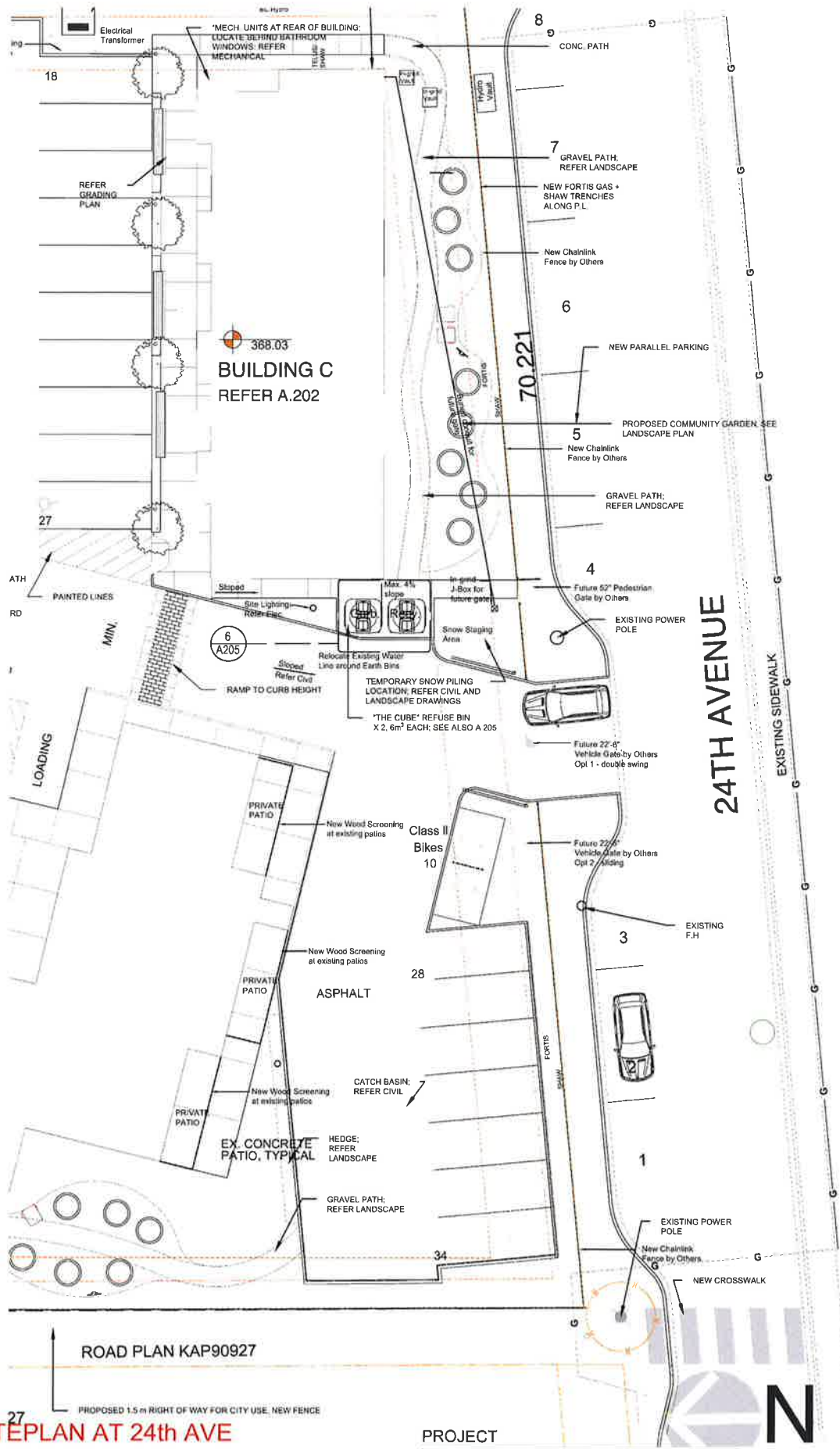
This variance application package is to vary the allowable fence height along 24th avenue at 3610 25th avenue from the permitted 1.2m under **Bylaw #5000, item 6.5.1 i)**, to a maximum ~~1.5m~~ **1.8m**.

The Canadian Mental Health Association's Vernon district branch (CMHA Vernon) is responsible for the care and management of over 140 mental health and low-income units. At their existing Albert Place property, located at 3610 25th Avenue, many of their residents are more vulnerable due to mobility and or mental health challenges putting them at further risk to would-be trespassers entering onto the site without permission. CMHA Vernon is now wishing to construct a new chainlink fence along their 24th avenue property line which will include a new vehicle gate accessed by residents only. The Owner is requesting the additional height of .3m from 1.2m to **1.8m** ~~1.5m~~ to better deter would-be trespassers attempting to climb the fence.

Please see the attached site plan and elevation that accompany this letter.

Regards,

Joshua Lunn
ARCHITECT AIBC LEED® AP
Principal



SITEPLAN AT 24th AVE

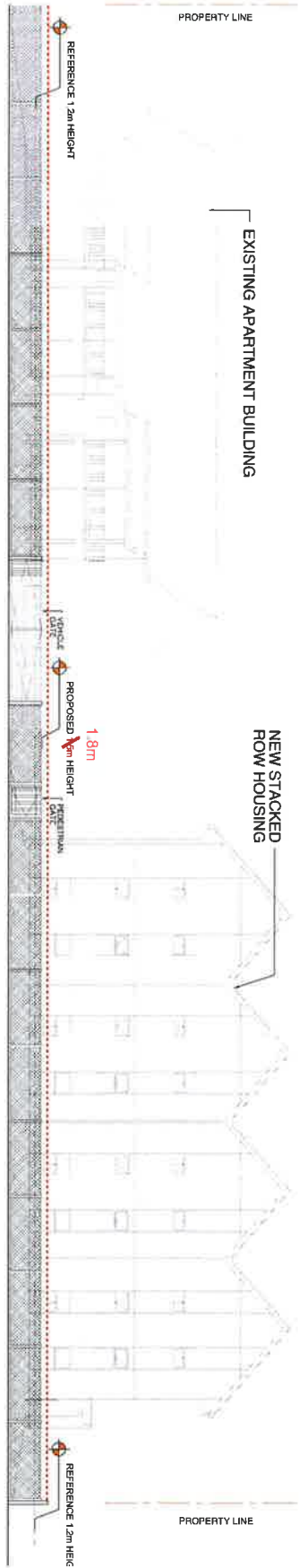
LAKE MONSTER STUDIO
 ARCHITECTURE + DESIGN
 3004 29 St. Vernon, BC 778.506.4587

PROJECT


ALBERT PLACE EXPANSION
 ADDRESS: 3610 25TH AVENUE VERNON, BC.
 Client: CMHA VERNON

DATE: 2021.10.18

SOUTH ELEVATION AT 24TH AVE.



LAKEMONSTERSTUDIO
ARCHITECTURE + DESIGN
3004 29 St, Vernon, BC 778 506 4567


ALBERT PLACE EXPANSION
ADDRESS: 3610 25TH AVENUE VERNON, BC.
CLIENT: CMHA VERNON

PROJECT

Revised May 11, 2023
DATE: ~~2021-10-18~~