



CORPORATION OF THE CITY OF VERNON

BOARD OF VARIANCE

THURSDAY, NOVEMBER 23, 2023, AT 3:30 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) September 27, 2023 (attached)

5) APPEAL – BOV00078 – ADDRESS: 3680 Turtle Mountain Boulevard

a) The applicant is requesting permission to vary Section 4.15.1 (slope greater than 30%), Section 9.13.6 (minimum front yard setback) and Section 9.13.6 (minimum rear yard setback) of Zoning Bylaw 5000 in order to build a 20-unit multifamily development on the subject property.

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

vi. Close of Public Input

6) ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE
BOARD OF VARIANCE**

HELD WEDNESDAY, SEPTEMBER 27, 2023

OKANAGAN LAKE ROOM (COUNCIL CHAMBERS) CITY HALL

PRESENT: VOTING:

Cam Karpiak
Daniel Schnick
Teagan Seutter
Caren Walker

GUESTS: Adam Fowle
Andrea Fowle
Gordon Ledinski
Laura Richards

ABSENT: Reiner Stass

STAFF: Matt Faucher, Current Planner
Ally Campbell, Planning Assistant
Jennifer Pounder, Board Secretary

ORDER

The meeting was called to order at 3:05 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**

THAT the agenda for the Board of Variance meeting of September 27, 2023 be adopted.

CARRIED

**ADOPTION OF THE
MINUTES**

THAT the minutes from the Board of Variance meeting of June 22, 2023 be adopted.

CARRIED

**BOARD OF VARIANCE
APPLICATION FOR
PROPERTY LOCATED
AT 1701 41ST AVENUE
(BOV00075)**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing via Canada Post. Zero submissions were received.

The Chair called for input from the Applicant, any interested parties and Planning Department representative for BOV00075 – 1701 41st Avenue.

Planning staff provided an overview of the subject site and application.

The Applicant was not in attendance.

Moved by T. Seutter, seconded by D. Schnick:

'BE IT RESOLVED' that this application is within the jurisdiction of this Board to consider.

CARRIED.

The Board members discussed the application. Before the motion was put forward, the Chair called for the applications requests to be considered separately as follows:

1) Moved by C. Walker, seconded by T. Seutter:

'BE IT RESOLVED' that the Board of Variance **approve** the application submitted by the owners of 1701 41st Avenue to allow a swimming pool to be located within the front yard setback.

CARRIED.

2) Moved by C. Walker, seconded by C. Karpiak:

'BE IT RESOLVED' that the Board of Variance **approve** the application submitted by the owners of 1701 41st Avenue to build a fence to a height of 1.82m (6.0ft) along the front property line along 41st Avenue.

DEFEATED

**BOARD OF VARIANCE
APPLICATION FOR
PROPERTY LOCATED
AT 2010 37th AVENUE
(BOV00076)**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing via Canada Post. The following submissions were received in opposition and circulated to the Board and discussed:

- Email from Adam Fowle, received September 25, 2023, 8:25 p.m.
- Letter from Susan Lansdall, received September 26, 2023.

The Chair called for input from the Applicant, any interested parties and Planning Department representative for BOV00070 – 3610 25th Avenue.

Planning staff provided an overview of the subject site and application.

Representation was made by concerned neighbour.

Moved by C. Walker, seconded by D. Schnick:

'BE IT RESOLVED' that this application is within the jurisdiction of this Board to consider.

CARRIED.

The Board discussed the application.

Moved by C. Karpiak, seconded by T. Seutter:

'BE IT RESOLVED' that the Board of Variance **approve** the application submitted by the owners of 2010 37th Avenue to allow the existing impermeable surface be permitted to remain at the increased area of 58.45% of the lot size.

DEFEATED

Adam and Andrea Fowle left the meeting at 3:39 p.m.

**BOARD OF VARIANCE
APPLICATION FOR
PROPERTY LOCATED
AT 2010 37th AVENUE
(BOV00077)**

Adjacent neighbours to this property were notified 10 days prior to the Board of Variance hearing via Canada Post. Zero submissions were received.

The Chair called for input from the Applicant, any interested parties and Planning Department representative for BOV0077 – 2010 37th Avenue.

Planning staff provided an overview of the subject site and application.

The applicant provided an overview.

Laura Richards spoke in support of the application.

Moved by C. Walker, seconded by C. Karpiak:

'BE IT RESOLVED' that this application is within the jurisdiction of this Board to consider.

CARRIED.

The Board discussed the application.

Moved by C. Walker, seconded by C. Karpiak:

'BE IT RESOLVED' that the Board of Variance **approve** the application submitted by the owner of 7135 Tronson Road to allow the shed, initially approved under Building Permit BP005897, to be completed in its current location as illustrated on the Land Survey dated October 26, 2016. The completion of the shed must be approved by a Building Inspector to ensure fire suppression compliance as per the BC Building Code.

CARRIED.

ADJOURNMENT

The meeting of the Board of Variance adjourned at 4:17 p.m.

CERTIFIED CORRECT:

_____ Board Chair

INTERNAL M E M O R A N D U M

TO: Board of Variance Members

FILE: BOV00078

FROM: Ally Campbell, Planning Assistant

DATE: November 6, 2023

SUBJECT: BOARD OF VARIANCE APPLICATION FOR 3680 TURTLE MOUNTAIN BLVD (LT 1 PL EPP86501 SEC 4 TWP 8 ODYD)

The subject property, located at 3680 Turtle Mountain Boulevard (Figure 1 and 2), is within the RH2 – Stacked Row Housing Residential zone of Zoning Bylaw 5000 (Attachment 1).

The current property is vacant/undeveloped and portions of the property are located on slopes greater than 30% (Figure 3).

The lot has an irregular shape so staff determined the lot orientation (Front, Side, and Rear Yard Setbacks) based on the shortest road currently “No Name” located to the West of the property (Figure 4).

The applicant is proposing to build a 20-unit multifamily development in compliance with the RH2 Zoning Bylaw (Attachment 2).

However, this applicant requests to vary three provisions of Zoning Bylaw 5000 for the 20-unit multifamily development as follows;

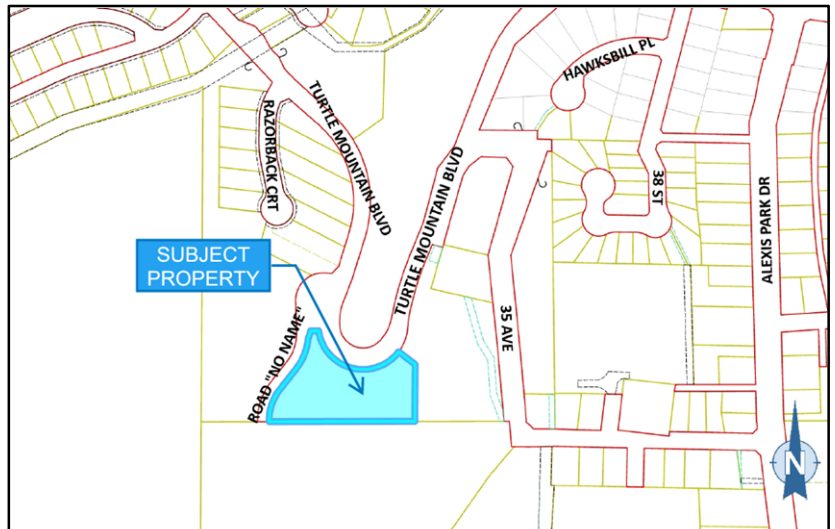


Figure 1: Property Location

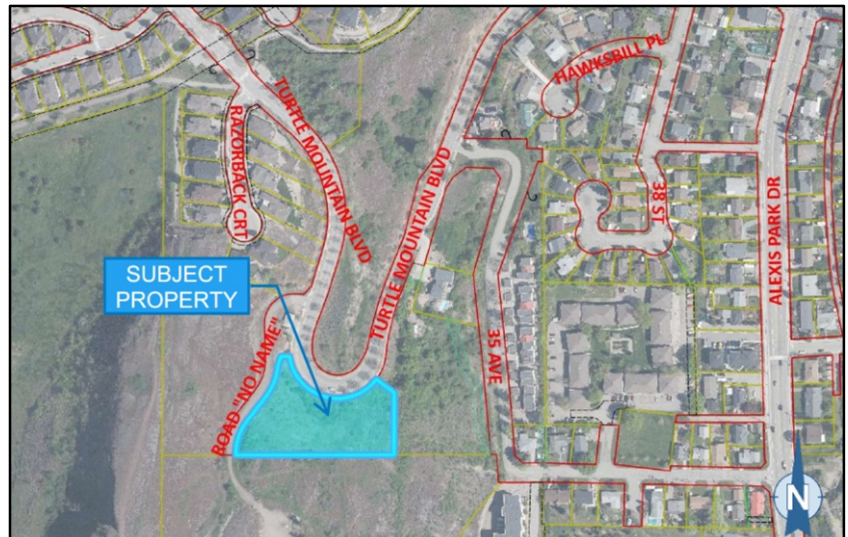


Figure 2: Aerial Photo

1. Section 4.15.1 to allow the construction of buildings and structures on a slope 30% or greater;
2. Section 9.13.6 Minimum Front Yard setback from 6.0m to 4.5m (Along Road "No Name")
3. Section 9.13.6 Minimum Rear Yard setback from 9.0m to 8.0m

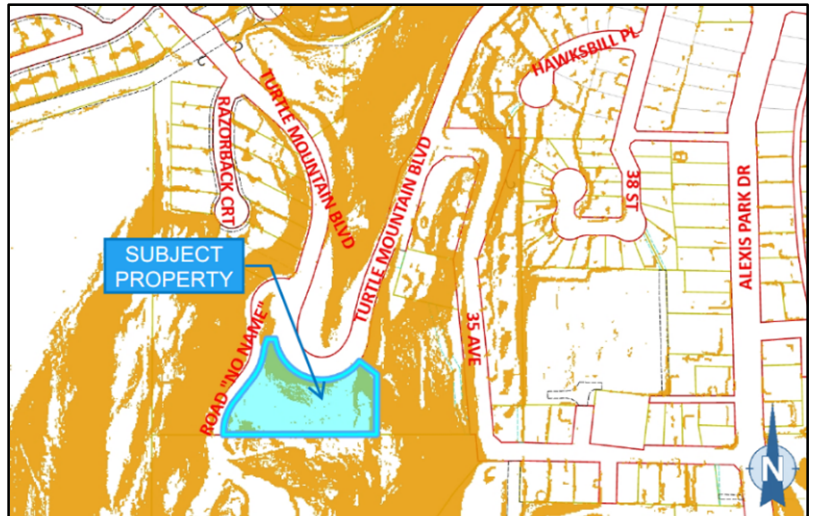


Figure 3: Slopes Greater Than 30%

A site grading plan, supplied by Monaghan Engineering & Consulting Ltd, confirms the locations on site which exceed 30% slopes and shows the proposed 20-unit multifamily buildings encroaching into these areas. (Attachment 3)

The Engineering department noted that the ROW width for Road "No Name" shown in the layout does not meet the level of service standards of Bylaw 3843. That ROW will need to be expanded to a minimum of 14.5 m, which will likely impact the setback shown from Road "No Name".

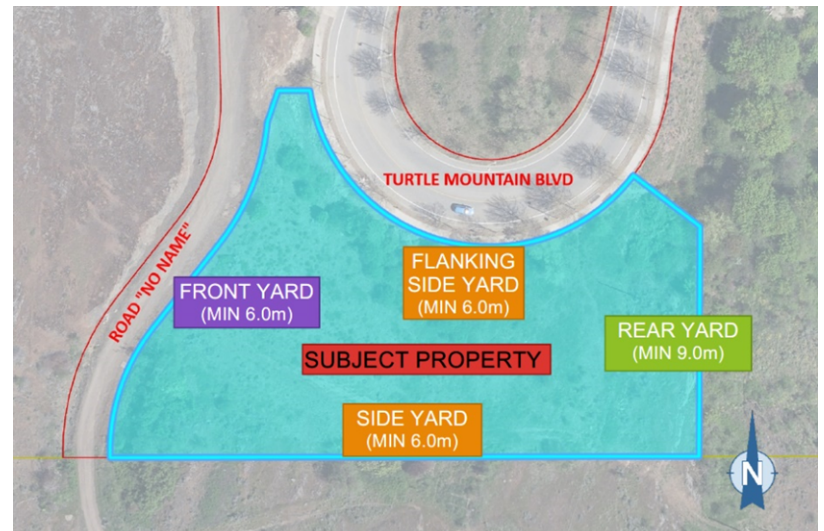


Figure 4: Setback Orientation

A supporting rationale letter provided by the applicant is attached (Attachment 4) for the Board's consideration in reviewing this application.

Should the Board decide to approve the application, the applicant would be permitted to build/construct at a Front Yard Setback of 4.5m (along "No Name" Road), a Rear Yard Setback at 8.0m and, on slopes greater than 30% in the locations proposed on the grading plan submitted by Monaghan Engineering & Consulting Ltd.

Should the Board decide to decline the application, the applicant would not be permitted to build/construct as proposed and would be required to meet bylaw requirements.

Respectfully submitted,

Ally Campbell, Planning Assistant

Attachment 1 – RH2: Stacked Row Housing & Section 4.0 Development Regulations

Attachment 2 – Proposed Site Plan

Attachment 3 – Grading Plan prepared by Monaghan Engineering & Consulting Ltd

Attachment 4 – Design Rationale

- Maximum **height** is 16.5m, except it is 4.5m for **secondary buildings** and **secondary structures**.
- **Minimum front yard** is 6.0m, except it is 4.5m for any portion **2 storeys** or less.
- Minimum **side yard** is 3.0m for a **building** not over 2.5 **storeys**, and 6.0m for portions of a **building** in excess of 2.5 **storeys**, and 6.0m from a **flanking street**. The minimum **side yard** is 0.0m for shared interior **party walls**.
- **Minimum rear yard** is 7.5m for a **building** not over 2.0 **storeys** and it is 9.0m for any part of a **building** over 2 **storeys**. It is 1.0m for **secondary buildings**.
- Maximum **density** is 100.0 units per gross hectare (40.5 units/gross acre).

9.13.7 Other Regulations

- **Convenience retail** services, **health services** and **personal services** are limited to a maximum floor area of 300m² total or 50% of the gross floor area of the ground storey of the primary building, whichever is the lesser, and only permitted when developed as an integral component of and within the primary **building**. These uses are not permitted above the ground **storey**. (*Bylaw 5332*)
- 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**.
- 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 5440*)
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- A minimum area of 5,0m² of private open space shall be provided per **bachelor dwelling**, **congregate housing bedroom** or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- No continuous **building frontage** shall exceed 45.0m for a 2 to 4 **storey building**. The **building** must be designed so as to be within one **storey** to neighbouring **development**.
- Parking shall not be constructed in the **front yard** of the property. Where the **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the 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**.
- 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. (*Bylaw 5339*)
- 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*)

4.15 Hillside Development Areas

4.15.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Hillside Guidelines and Regulations Policy defines hillsides and provides Goals and Objectives for development of lands on hillsides and slopes under 30%. No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

4.15.2 No subdivision of land creating lots is permitted where less than 100m² of contiguous buildable area which meets all bylaw regulations herein for each lot is provided, with the exception of boundary lot adjustments.
(Bylaw 5433)

**PROPOSED
SITE PLAN**



SCALE: 1:250

THE INTENDED PLOT SIZE OF THIS PLAN IS 964mm IN WIDTH BY 550mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:250

CIVIC ADDRESS:
3680 TURTLE MOUNTAIN BOULEVARD,
VERNON, B.C.

LEGAL DESCRIPTION:
LOT 1 SECTION 4 TOWNSHIP 8 OSOYOOS
DIVISION YALE DISTRICT PLAN EPP86501

LEGEND

ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.

NOTE:
CONCEPTUAL DRAWING ONLY, BASED
ON ARCHITECTURAL AND ENGINEERING
DESIGN.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF CK VERNON.
THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
MONASHEE SURVEYING AND GEOMATICS, 2023. ALL RIGHTS RESERVED.
MONASHEE SURVEYING AND GEOMATICS ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.

SURVEYED BY:
DRAFTED BY: MB 07/05/2023

CHECKED BY:

REV	DATE	BY
1	08/30/2023	MB

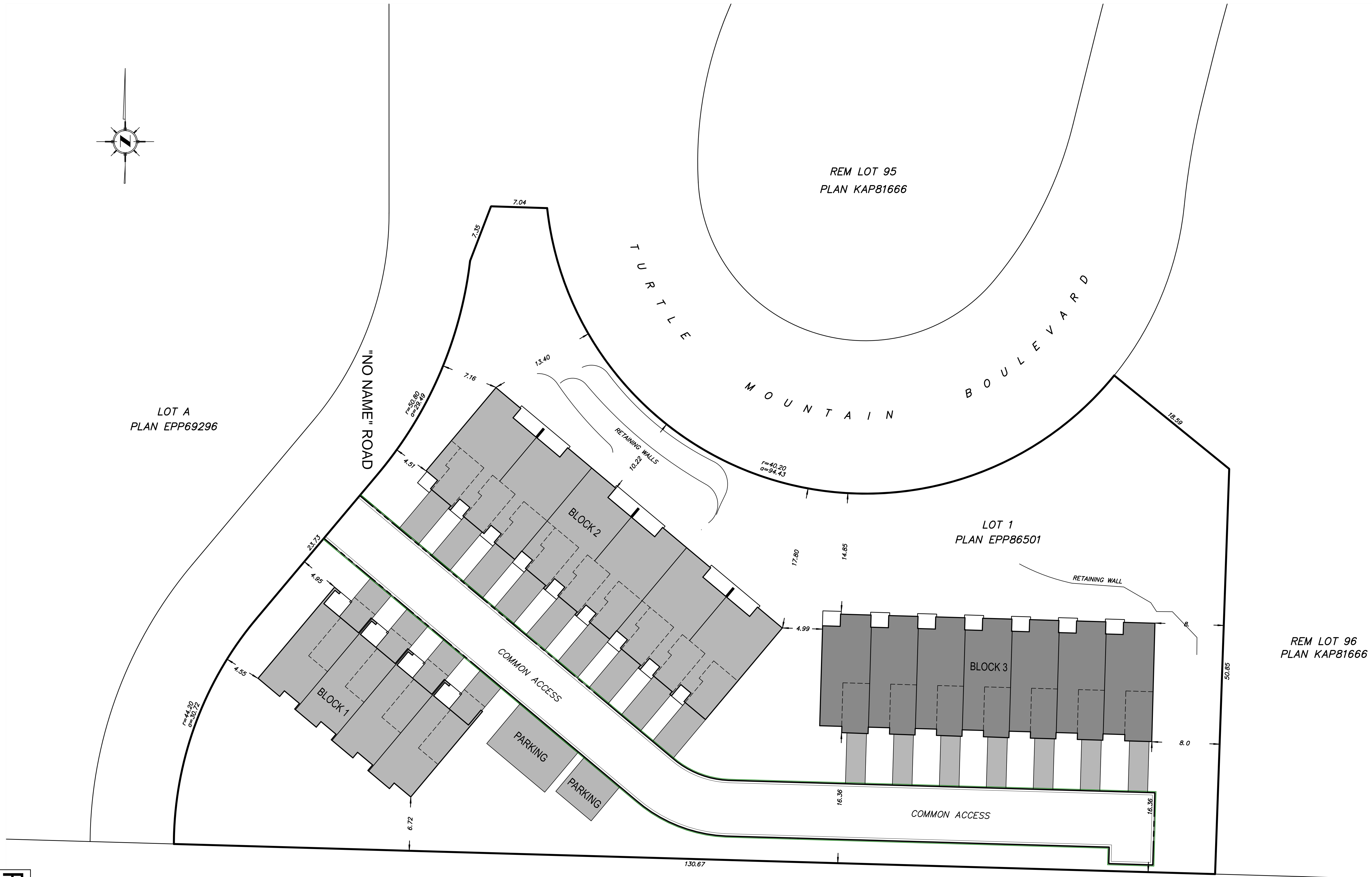
DRAWING: 7097-SK1-BLDG-R1.DWG



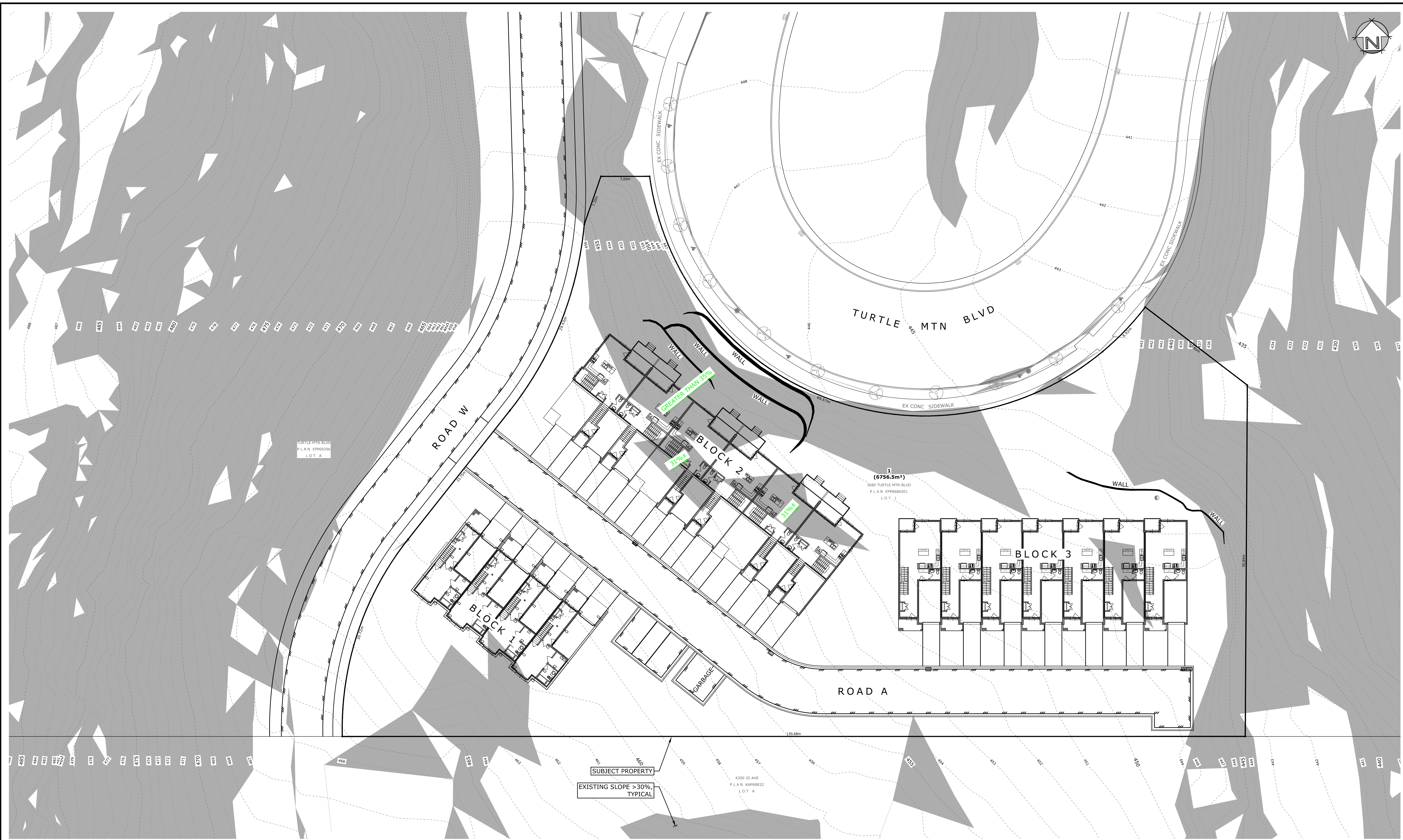
3710A 28th Street Vernon, B.C. V1T 8X2
Tel. (250) 545 5990 Fax (250) 545 5912

SHEET 1 OF 1 SHEETS

ATTACHMENT 2



PAGE 1/1



PRELIMINARY

ATTACHMENT 3

PAGE 1/1

USER: darenr
CTB: mact-fulback.ctb
LAYOUT: Layout1
PLOTTED: 2023-08-25 - 9:13 AM
XREFS: 1893.01-DSGN.dwg 1893.01-LEGL-E.dwg 1893.01-BASE-E.dwg
IMAGES: FILE: z:\mead\projects\1893.01 - turtle mountain switch bank site - kelder development\drawings\sheets\1893.01-fig3.dwg

Rev.	Date	By	Description
A	24-AUG-2023	DCR	PRELIMINARY

LEGEND: (EXISTING SYMBOLS SHOWN GREY/SOLID)	
	EDGE OF ASPHALT
	EDGE OF GRAVEL
	FENCELINE
	BUILDING
	TOP OF BANK
	BOTTOM OF BANK
	DITCH
	TREELINE
	SANITARY
	STORM DRAIN
	WATER
	GAS
	HYDRO/TEL
	GUY WIRE
	ANCHOR POLE
	HYDRO/TEL POLE
	POLE w/ TRANSFORMER
	HYDRO TUB/VAULT
	TEL TUB/VAULT
	SHAW CABLE TUB/VAULT
	JUNCTION BOX
	SERVICE BOX
	KIOSK
	LOW POWER TRANSFORMER
	TRAFFIC SIGNAL
	STREET LIGHT
	CAP
	INSPECTION CHAMBER
	SANITARY MANHOLE
	DRAINAGE MANHOLE
	DRY WELL
	CATCHBASIN MANHOLE
	CATCHBASIN
	DRAINAGE INVERT
	HEADWALL
	AIR VALVE
	WATER VALVE
	CURB STOP
	FIRE HYDRANT
	BLOW-OFF
	REDUCER
	COUPLER
	PROPERTY PIN
	HUB
	MONUMENT
	BOREHOLE
	SIGN
	TREE

EGBC PERMIT TO PRACTICE No. 1001446

MONAGHAN
ENGINEERING & CONSULTING LTD.

3710B 28th Street, Ph: (250) 503-1023
Vernon, BC, V1T 9X2 Fax: (250) 503-1024

Scale	1:250
Date	AUG 2023
Designed	BGM
Drawn	DCR
Checked	

KELDER DEVELOPMENT

THE LOOKOUT
SLOPE ANALYSIS
PLAN

Project No.	1893.01
Client File No.	
Sheet No.	01 OF 01
Drawing No.	LAYOUT1
Rev.	A



Thursday, July 27, 2023

Craig Broderick, RPP, RIBC
Approving Officer
Community Services Building
3001 32 Avenue
Vernon, B.C.
V1T 2L8

RE: Design Rationale Statement – Proposed Development of Lot 1, Section 4, Township 8, Osoyoos Division Yale District, Plan EPP86501

Mr. Broderick,

Further to our meeting this morning we have prepared this letter to outline the development rationale for the proposed development on 3680 Turtle Mountain Boulevard (Lot 1, Section 4, Township 8, Osoyoos Division Yale District, Plan EPP86501).

The East Bella Vista Highlands Neighborhood plan identifies several key policies intended to support housing development in the area. These are:

- Develop Vernon's urban areas to the densities outlined in the Plan in order to achieve maximum use of municipal infrastructure and retain several compact neighbourhood areas within the community.
- To provide a variety and flexibility in the provision of housing Council will consider single-family and multi-family within a Neighbourhood Planning Area.
- To create pleasant and attractive neighbourhoods.
- Strive for a mix of housing forms comprised of 40-50% single family and 50-60% multiple family within Neighbourhood Plan areas.

The following map (Figure 1) identifies the location of the proposed development which has been classified as Medium Density Multiple Family Residential in the neighbourhood plan. The current zoning (RH2) is compatible with the land use designation in the neighbourhood plan. The current density allowed under this zone is 100 units per gross hectare. The proposed development contains 20 dwelling units and the predevelopment area of the parcel is 0.676 ha. This would, in theory, allow for a maximum of 67 units. At 20 units the proposed development is under the maximum allowable density. The proposed site coverage and site coverage plus impermeable surfaces calculations are shown on the engineering designs prepared by Monaghan Engineering and Consulting Ltd submitted with this development application. The proposed development coverage is below the allowable maximums.

We have identified two (2) minor variances that will be required to support the development with its current design. We will be requesting a variance for the Front Yard setback from:

Minimum front yard is 6.0m, except it is 4.5m for any portion 2 storeys or less.
to
Minimum front yard is 4.5m.

We will also be requesting a variance for the Rear Yard setback from:



Minimum rear yard is 7.5m for a building not over 2.0 storeys and it is 9.0m for any part of a building over 2 storeys. It is 1.0m for secondary buildings.

to

Minimum rear yard is 8.0m. It is 1.0m for secondary buildings.

These setback variances are being requested to allow the development to fit into the area of less than 30% slope. Two other factors that contribute to the variance are the topography of the site and the irregular shape of the existing parcel. The proposed buildings will be three storeys in height due to the topography and to limit the amount of earthworks and retaining structures required to facilitate the development.



Figure 1 - Neighbourhood Plan Mapping – Proposed Development Location



Figure 2 shows the proposed development of the site.

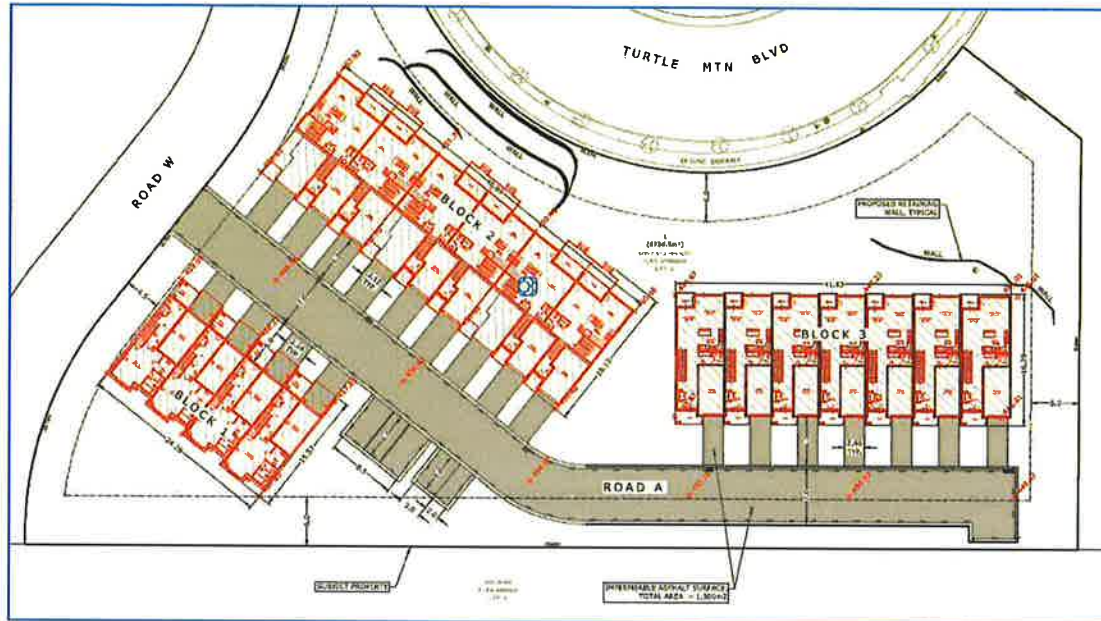


Figure 2 - Proposed Development

The primary access (and the location of the Front Yard) is from what is identified as Road W as this is the shortest frontage of road (91m vs. 94m on Turtle Mountain Boulevard)

The East Bella Vista Highlands Neighbourhood Plan proposes the extension of services and the blending of land uses. This development is proposing home sites intended to minimize disturbance of the existing hillside, will use slope adaptive architecture (three storeys) and will be constructed on slopes less than 30%. All of these fall items have been identified as a desirable outcome in the Hillside Built Form & Land Use section of the East Bella Vista Highlands Neighborhood plan.

The development proposed is a ground oriented multiple family development. This will provide an opportunity for young families to own a home. It has been identified that:

“... a community like Vernon ... prides itself on being a good place to raise a family. It is recognized that housing affordability needs to include consideration for those families that are trying to enter the housing market and graduate to successively higher levels of that market. This is called attainable housing.”

This development will maximize existing infrastructure and will provide viable residential opportunities for more Vernon households.

Additionally, this development will provide other direct benefits to the community as it is directly adjacent to existing infrastructure and the City of Vernon has identified an economic benefit to the city with greater utilization of existing infrastructure. The development is in close proximity to the City Centre District and to existing community services and amenities.



The proposed development will assist the neighbourhood in ensuring that the existing housing meets the needs of the whole community through a mix of housing types, reflecting the large variety of household types and incomes in the city. The ever-changing housing needs of new and existing residents will be accommodated in the neighbourhood.

In closing the City has expressed a strong desire to create strong, compact and complete neighbourhoods. As the neighbourhood continues to develop, essential elements such as housing, employment, shops, parks, schools and other amenities will be in closer proximity to one another, making alternatives to driving more attractive and viable.

If you have any questions or concerns, please do not hesitate to contact me at your earliest convenience.

Sincerely,
