



THE CORPORATION OF THE CITY OF VERNON

AGENDA

Advisory Planning Committee

Tuesday, December 12, 2023, 4:00 p.m.

CITY HALL COUNCIL CHAMBER

3400 30 Street

Vernon B.C.

Pages

1. CALL ADVISORY PLANNING COMMITTEE TO ORDER

1.a Land Acknowledgment

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.

1.b Agenda

THAT the Agenda for the December 12, 2023, Advisory Planning Committee Meeting be adopted as circulated.

1.c Adoption of Minutes

THAT the minutes of the Advisory Planning Committee meeting held November 28, 2023, be adopted.

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2. UNFINISHED BUSINESS

3. NEW BUSINESS

3.a DVP00636 - 3102 11th STREET

THAT the Advisory Planning Committee recommend that Council support Development Variance Permit Application 00636 (DVP00636) to vary Zoning Bylaw 5000 for Lot 5, PL 25682, SEC 35, TWP 9, ODYD (3102 11th Street) as outlined in the report titled "Development Variance Permit Application for 3102 11th Street" dated December 7, 2023 and respectfully submitted by the Planner II, to:

8

1. decrease (Section 9.3.5) east side yard setback from 1.5m to 1.0m.

4. INFORMATION ITEMS

5. NEXT MEETING

The next meeting for the Advisory Planning Committee is scheduled for January 9, 2024 at 4:00 pm.

6. CLOSE OF MEETING

THE CORPORATION OF THE CITY OF VERNON
MINUTES OF THE ADVISORY PLANNING COMMITTEE

November 28, 2023, 4:00 p.m.
CITY HALL COUNCIL CHAMBER
3400 30 Street
Vernon B.C.

Committee Members

Present:

Jordan Hart
Jessica Kirkham
Margo Lupien
Scott Chatterton
Margo Jarman
Craig Neville
Claire Ishoy
Monique Hubbs-Michiel, Chair
Kyla Gaudreau
Kennedy Mund
Mayor Cumming
Harpreet Nahal

Administration

Present:

Jennifer Pounder
Brian Guy
Barbara Everdene
Teresa Durning
Matt Faucher
Danielle Devries
Michelle Austin
Roy Nuriel

1. CALL ADVISORY PLANNING COMMITTEE TO ORDER

The Chair called the meeting to order at 4:01 pm.

1.a Land Acknowledgment

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.

1.b Agenda

Moved by: Margo Jarman

Seconded by: Scott Chatterton

THAT the Agenda for the November 28, 2023 Advisory Planning Committee Meeting be adopted as amended.

CARRIED

1.c Adoption of Minutes

Moved by: Craig Neville

Seconded by: Harpreet Nahal

THAT the minutes of the Advisory Planning Committee meeting held October 24, 2023 be adopted.

CARRIED

2. UNFINISHED BUSINESS**3. NEW BUSINESS**3.a Secondary Suites and Accessory Dwelling Bylaw Amendments

B. Everdene provided a presentation on the proposed regulatory changes. The following questions / comments were received:

- Administration confirmed that the proposed regulations do not include requirements for legalizing a suite.
- Administration confirmed that projects would adhere to appearance standards through the development permit process, although this would not apply to secondary suites and accessory dwelling units (ADUs).
- The Committee suggested that diagrams would help visualize the outcome of the regulation on building appearance.

- Both the Committee and Administration expressed concern with ADUs being used as short-term rentals (STRs).
- Administration commented that the new Provincial laws would likely allow stratification of ADUs.
- The Committee suggested that larger ADUs be permitted on large lots.

Moved by: J. Hart

Seconded by: Harpreet Nahal

THAT the Advisory Planning Committee recommends that Council endorse amendments to Zoning Bylaw 5000 to update regulations for secondary suites and accessory dwelling unit as outlined in the report titled "Secondary Suite and Accessory Dwelling Bylaw Amendments" dated November 22, 2023 and respectfully submitted by the Long Range Planner and Planners.

CARRIED

Harpreet Nahal declared a conflict of interest in the following item as he is the owner / applicant of the subject property. Harpreet left the meeting at 5:02 pm.

3.b ZON00365 - 1607 43rd Avenue

Claire Ishoy left the meeting at 5:07pm.

M. Austin provided a presentation on the proposed project and rezoning application. The following questions / comments were received:

- The Committee expressed concerns that the proposal would change the characteristics of the neighbourhood, result in too much lot coverage, and not provide sufficient parkland and trail connections.
- The Committee also expressed how great this project is and how it will help with the lack of available housing.

Moved by: Scott Chatterton

Seconded by: Jessica Kirkham

THAT the Advisory Planning Committee recommends that Council support Zoning Application 00365 (ZON00365) to rezone Lot B, Sec 2, Twp 8, ODYD, Plan KAP59453, Except Strata Plan KAS1926 (Phase 5) (1607

43rd Avenue) from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential as outlined in the report titled “Zoning Application for 1607 43rd Avenue” dated November 23, 2023 and respectfully submitted by the Planner;

AND FURTHER, that the Advisory Planning Committee recommends Council's support of ZON00365 is subject to the following:

1. That, prior to final adoption of the bylaw, a restrictive covenant be registered on title of the subject property:
 - i. limiting the maximum number of dwelling units to 150;
 - ii. limiting the maximum site coverage with impermeable surfaces to 60%;
 - iii. requiring, at the development permit stage, compliance with the Geotechnical Assessment, prepared by Ecora Engineering & Resource Group Ltd., dated November 2020 (Attachment 11);
 - iv. requiring, at the development permit stage, a Traffic Safety Analysis and compliance with its recommendations to ensure safety for all road users at the driveway access at 43rd Avenue;
 - v. requiring, at the development permit stage, an easement registered on title of the subject property allowing Phases 1 – 5, Strata Plan KAS1926 access over the subject property; and,
2. That, prior to submission of a Building Permit application, a development permit be required to ensure compliance with the mitigation measures outlined in the Environmental Impact Assessment, prepared by Phoenix Environmental Services Ltd., dated July 23, 2023 (Attachment 9).

AND FURTHER, that the Advisory Planning Committee recommends that Council hold a public hearing, pursuant to 464(1) of the Local Government Act, on a proposed bylaw to rezone Lot B, Sec 2, Twp 8, ODYD, Plan KAP59453, Except Strata Plan KAS1926 (Phase 5) (1607 43rd Avenue) from R5 – Four-plex Housing Residential to RH1 – Low-rise Apartment Residential.

CARRIED

4. INFORMATION ITEMS

M. Austin provided an update of recent Council decisions on applications previously considered by the Advisory Planning Committee as well as the recent Council decision allowing recreational vehicles to be lived in on properties in the Agricultural Land Reserve.

5. NEXT MEETING

The next meeting for the Advisory Planning Committee is scheduled for December 12, 2023 at 4:00 pm.

6. CLOSE OF MEETING

The meeting of the Advisory Planning Committee adjourned at 6:04 pm by call of the Chair.

Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Megan Fyfe
Planner II, Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: January 22, 2024
REPORT DATE: December 7, 2023
FILE: 3090-20 (DVP00636)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3102 11TH STREET

PURPOSE:

To present, for Council's consideration, a development variance permit application to vary a side yard setback in order to construct an attached garage at 3102 11th Street.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00636 (DVP00636) to vary Zoning Bylaw 5000 for Lot 5, PL 25682, SEC 35, TWP 9, ODYD (3102 11th Street) as outlined in the report titled "Development Variance Permit Application for 3102 11th Street" dated December 7, 2023 and respectfully submitted by the Planner II, to:

- a) decrease (Section 9.3.5) east side yard setback from 1.5m to 1.0m.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00636 (DVP00636) to vary Zoning Bylaw 5000 for Lot 5, PL 25682, SEC 35, TWP 9, ODYD (3102 11th Street) as outlined in the report titled "Development Variance Permit Application for 3102 11th Street" dated December 7, 2023 and respectfully submitted by the Planner II, to:

- a) decrease (Section 9.3.5) east side yard setback from 1.5m to 1.0m.

Note: This alternative does not support the variance request and prevents the construction of an attached two-car garage as proposed. It would be possible to construct a single car garage within the required side yard setback.

ANALYSIS:

A. Committee Recommendations:

At its meeting of December 12, 2023, the Advisory Planning Committee passed the following resolution:

"(to be cited by the Advisory Planning Committee)."

B. Rationale:

1. The subject property is located at 3102 11th Street. (Figures 1 and 2) within a residential area in the East Hill Neighbourhood. The property currently contains a single detached house with an attached carport. (Attachments 1 and 2). It is approximately 879.4m² and zoned R2 – Large Lot Residential (Attachment 3).
2. The applicant proposes to convert and expand the existing one-car carport into a two-car garage. The proposal includes a variance to the minimum east side yard setback from 1.5m to 1.0m (Attachment 1).
3. The proposed attached garage conforms to the development regulations of the R2 Zone, with the exception of one side yard.
4. The proposed attached garage would be required to be built with specific fire ratings in accordance with the BC Building Code.
5. Potential impacts of the proposed variance would be limited to the neighbouring property to the east at 3100 11th Street.
6. Administration supports the variance request for the following reasons:
 - a) The proposal provides additional off-street parking.
 - b) The neighbouring property owner at 3100 11th Street would have an opportunity to provide input on the proposed variance at the public input session.

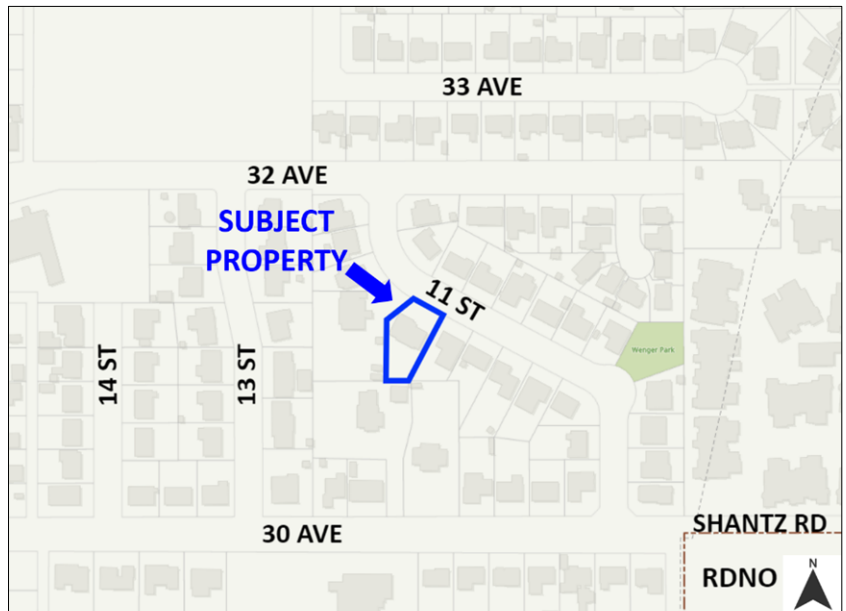


Figure 1: Property Location Map



Figure 2: Aerial Photo of Property

C. Attachments:

- Attachment 1 – Site Plan
- Attachment 2 – Photo of Existing Carport
- Attachment 3 – R2: Large Lot Residential Zone

D. Council's Strategic Plan Alignment:

- | | |
|---|--|
| <input type="checkbox"/> Governance & Organizational Excellence | <input type="checkbox"/> Livability |
| <input type="checkbox"/> Recreation, Parks & Natural Areas | <input type="checkbox"/> Vibrancy |
| <input type="checkbox"/> Environmental Leadership | <input checked="" type="checkbox"/> Not Applicable |

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw 5000, Section 9.3 R2: Large Lot Residential
2. *Local Government Act*, Division 9 – Development Variance Permits

BUDGET/RESOURCE IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

- ☒ None ☐ Budget Previously Approved ☐ New Budget Request
(Finance Review Required)

Prepared by:

Approved for submission to Council:

X _____
Megan Fyfe
Planner II

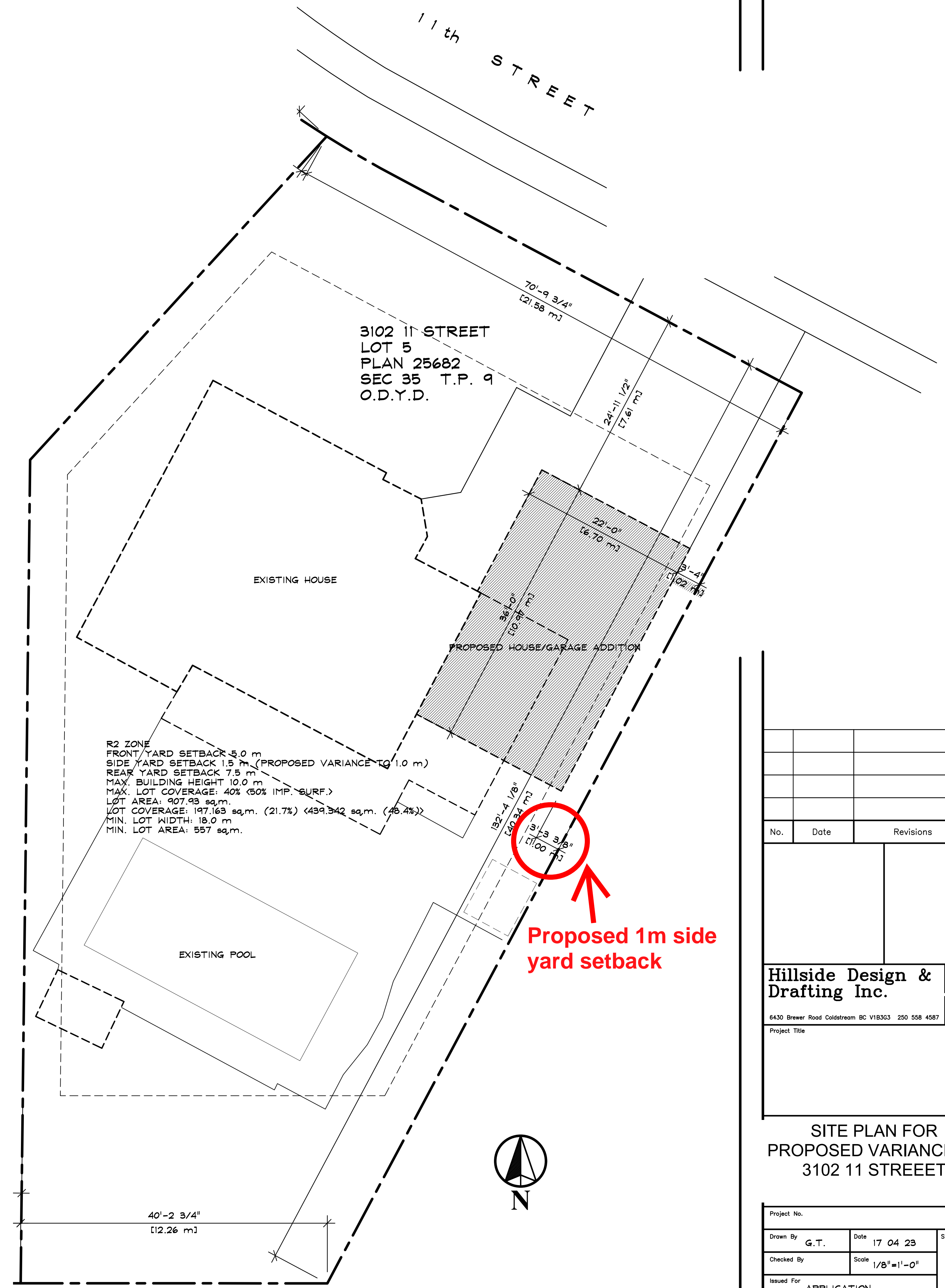
Patricia Bridal, CAO

Date: _____

X _____
Terry Barton
Director, Planning & Community Services

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Dec. 12/23) | | |
| <input type="checkbox"/> OTHER: | | |



No.	Date	Revisions	By
Hillside Design & Drafting Inc.			
6430 Brewer Road Coldstream BC V1B3G3 250 558 4587			
Project Title			
SITE PLAN FOR PROPOSED VARIANCE AT 3102 11 STREET			
Project No.			
Drawn By	G.T.	Date	17 04 23
Checked By		Scale	1/8"=1'-0"
Issued For		APPLICATION	
		Sheet No. A-	

Attachment 1



R2**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 557m², or 10,000m² 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 10.0m, 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 6.5m, 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)