



To deliver effective and
efficient, local government
services that benefit our
citizens, our businesses, our
environment and our future.

THE CORPORATION OF THE CITY OF VERNON

AGENDA

Advisory Planning Committee

Tuesday, January 23, 2024, 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 January 23, 2024 Advisory Planning Committee Meeting be adopted as circulated.

1.c Adoption of Minutes

THAT the minutes of the Advisory Planning Committee meeting held December 12, 2023, be adopted.

2. UNFINISHED BUSINESS

3. NEW BUSINESS

3.a DVP00614 (132 Sunset Boulevard)

4

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit 00614 (DVP00614) to vary Zoning Bylaw 5000 for STRATA LOTS 32 AND 33, PL KAS1975, DL 6, ODYD (132 and 136 Sunset Boulevard) as outlined in the report titled "Development Variance Permit Application for 132 and 136 Sunset Boulevard" dated January 18, 2024 and respectfully submitted by the Planner II, as follows:

- a. Section 4.15.1, vary to allow the construction of a retaining wall on slopes of 30% or greater;
- b. Section 6.5.1.i, increasing the height of a retaining wall, from 1.2m (3.9ft) to 3.66m (12.0ft) within the front yard setback; and
- c. Section 6.5.11, increasing the maximum height of retaining walls on a residential lot measured from grade on the lower side, from 1.2m (3.9ft) to 3.66m (12.0ft);

AND FURTHER, that Council's approval of DVP00614 is subject to the following:

- i. That the retaining wall complies with the site plan and elevations submitted by 925R Design Inc. dated May 8, 2023 (Attachment 1) to be attached to and form part of DVP00614; and
- ii. That the retaining wall complies with the Geotechnical Letter submitted by Applebruin Engineering Inc. dated March 17, 2023 (Attachment 2) to be attached and form part of DVP00614.

3.b DVP00629 (Manning Place)

15

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit application 00629 (DVP00629) to vary Section 9.6.6 of Zoning Bylaw 5000 to the impermeable surface coverage for Lots 5 to 15 to be varied from 50% to 57% and Lot 16 to be varied from 50% to 51% as part of a subdivision LOT 1 PLAN 41347 SECTION 18 TOWNSHIP 5 OSOYOOS DIVISION YALE DISTRICT EXCEPT PLAN KAP44294 KAP49760 KAP50427 as outlined in the report titled "Development Variance Permit Application for Manning Place" dated January 17, 2024 and respectfully submitted by the Approving Officer.

3.c DVP00633 (1800 Phoenix Drive)

26

THAT the Advisory Planning Committee recommends that Council not support Development Variance Permit application 00633 (DVP00633) to vary Section 9.15.6 of Zoning Bylaw 5000 to allow for reduced side yard setbacks of 1.5m for residential construction on Phase 1 as part of a proposed subdivision of AMENDED LOT G (SEE DD216774F) SECTIONS 13 AND 24, TWP 8, ODYD, PLAN 1362, EXCEPT PLANS 28422, 36541, KAP82631, KAP84094, KAP90431, EPP38363 AND EPP72337, as outlined in the report titled "Development Variance Permit Application for 1800 Phoenix Drive" dated January 17, 2024 and respectfully submitted by the Approving Officer.

3.d DVP00618 (3411 34 Avenue)

40

THAT the Advisory Planning Committee recommends that Council support a modified version of Development Variance Permit Application 00618 (DVP00618) by varying Zoning Bylaw 5000 for LT 11, BLK 35, DL 72, ODYD, PLAN 327 (3411 34th Avenue) as outlined in the report titled "Development Variance Permit Application for 3411 34th Avenue" dated January 19, 2024 and respectfully submitted by the Planner II, as follows:

- a. Section 10.3.6, to reduce the side yard setback from 2.0m (6.6ft) to 1.0m (3.3ft) to allow for the construction of a detached carport;

AND FURTHER, that Council's support of DVP00618 is subject to the following:

- i. That the development generally complies with an updated site plan and elevation drawings to be attached to and form part of DVP00618.

4. INFORMATION ITEMS

5. NEXT MEETING

6. CLOSE OF MEETING



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Ally Campbell
Planner II, Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: February 26, 2024
REPORT DATE: January 18, 2024
FILE: 3090-20 (DVP00614)

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 132 AND 136 SUNSET BOULEVARD**

PURPOSE:

To present Development Variance Permit Application 00614 (DVP00614) for Council's consideration, to allow a height increase of a retaining wall on the properties located at 132 and 136 Sunset Boulevard.

RECOMMENDATION:

THAT Council support Development Variance Permit 00614 (DVP00614) to vary Zoning Bylaw 5000 for STRATA LOTS 32 AND 33, PL KAS1975, DL 6, ODYD (132 and 136 Sunset Boulevard) as outlined in the report titled "Development Variance Permit Application for 132 and 136 Sunset Boulevard" dated January 18, 2024 and respectfully submitted by the Planner II, as follows:

- a) Section 4.15.1, vary to allow the construction of a retaining wall on slopes of 30% or greater;
- b) Section 6.5.1.i, increasing the height of a retaining wall, from 1.2m (3.9ft) to 3.66m (12.0ft) within the front yard setback; and
- c) Section 6.5.11, increasing the maximum height of retaining walls on a residential lot measured from grade on the lower side, from 1.2m (3.9ft) to 3.66m (12.0ft);

AND FURTHER, that Council's approval of DVP00614 is subject to the following:

- i. That the retaining wall complies with the site plan and elevations submitted by 925R Design Inc. dated May 8, 2023 (Attachment 1) to be attached to and form part of DVP00614; and
- ii. That the retaining wall complies with the Geotechnical Letter submitted by Applebruin Engineering Inc. dated March 17, 2023 (Attachment 2) to be attached and form part of DVP00614.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not approve Development Variance Permit 00614 (DVP00614) to vary Zoning Bylaw 5000 for STRATA LOTS 32 AND 33, PL KAS1975, DL 6, ODYD (132 and 136 Sunset Boulevard) as outlined in the report titled "Development Variance Permit Application for 132 and 136 Sunset Boulevard" dated January 18, 2024 and respectfully submitted by the Planner II, as follows:
 - a) Section 4.15.1, vary to allow the construction of a retaining wall on slopes of 30% or greater;
 - b) Section 6.5.1.i, increasing the height of a retaining wall, from 1.2m (3.9ft) to 3.66m (12.0ft) within the front yard setback; and
 - c) Section 6.5.11, increasing the maximum height of retaining walls on a residential lot measured from grade on the lower side, from 1.2m (3.9ft) to 3.66m (12.0ft).

Note: Alternative 1 would require the owner to remove the currently over built retaining wall and reconstruct to bylaw standards.

ANALYSIS:

A. Committee Recommendations:

At its meeting of January 23, 2024, the Advisory Planning Committee passed the following resolution:

“THAT the Advisory Planning Committee recommends that Council”

B. Rationale:

1. The subject properties are located at 132 and 136 Sunset Boulevard and are accessed on a shared private road, Sunset Boulevard (Figures 1 and 2). The surrounding area contains single detached residential housing and vacant land.
2. The subject property is located within the RR: Rural Residential zone of Zoning Bylaw 5000.
3. The natural grade of the property slopes towards Sunset Boulevard and a significant portion of both properties have slopes greater than 30% (Figure 3).
4. An Easement (A) (Attachment 1) was registered on title providing access to 136 Sunset Boulevard over a portion of 132 Sunset Boulevard.
5. The homeowner constructed an over height retaining wall along the south side of the newly created driveway access off of Sunset Boulevard on both 132 and 136 Sunset Boulevard. (Attachment 2 & 3).
6. To allow the retaining wall to remain at its current height and location, the applicant is requesting to vary Zoning Bylaw 5000 as follows:
 - a) To allow construction on slopes of 30% or greater;

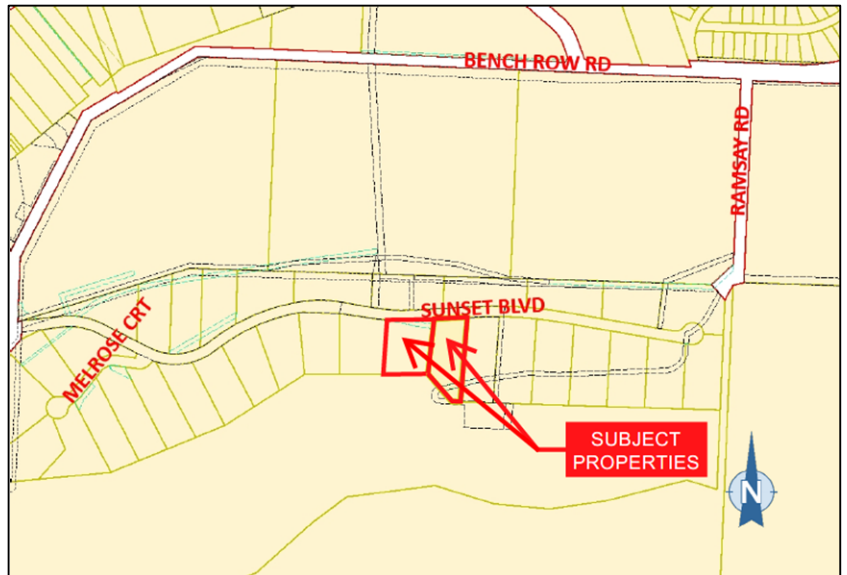


Figure 1: Property Location Map



Figure 2: Aerial View of Property`

- b) To increase the height of a retaining wall, from 1.2m (3.9ft) to 3.66m (12.0ft) within the front yard setback; and;
- c) To increase the maximum height of retaining walls on a residential lot measured from grade on the lower side, from 1.2m (3.9ft) to 3.66m (12.0ft).

7. The retaining wall consists of grey verti-blocks that are each two feet high, four feet wide, and three feet deep.
(<https://verti-block.com/residential/>).

8. The applicant provided a Geotechnical Letter that confirmed “A wall face consisting of the verti-block system, as described, is considered necessary to face and protect the slope from surface erosion and sloughing over time” (Attachment 4).

9. Administration supports the variance request for the following reasons:

- a) Construction of the driveway with the retaining wall works with the existing grade while maintaining the natural character of the residential neighbourhood.
- b) The retaining wall helps to ensure safe access to both properties (Attachment 5).
- c) An easement was registered over both properties to allow for the construction of and maintenance of a retaining wall for purposes of a driveway needing ingress and egress to the subject property.

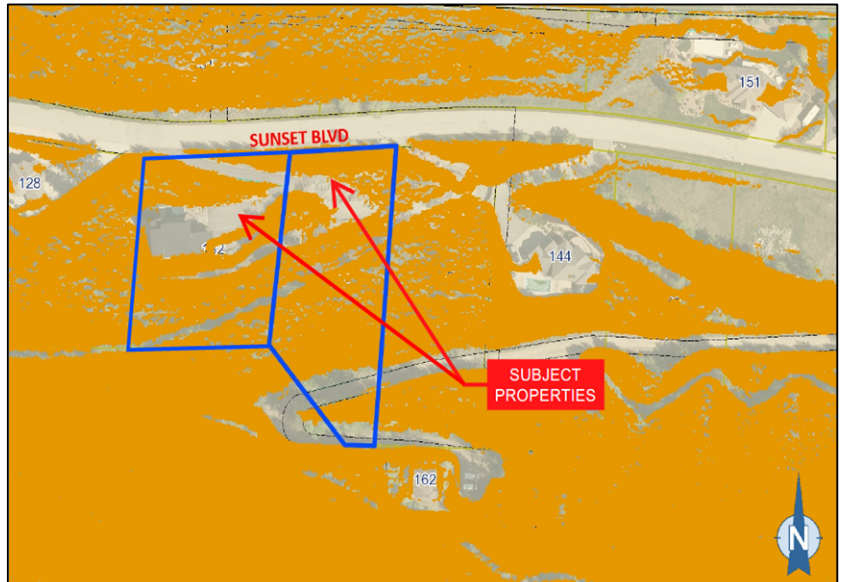


Figure 3: ≥30% Slopes & Hillside

C. Attachments:

Attachment 1: Easement

Attachment 2: Site Plan and Elevations

Attachment 3: Retaining Wall Photos

Attachment 4: Geotechnical letter, Prepared by Applebruin Engineering Inc, dated March 17, 2023

Attachment 5: Support Letter from 132 Sunset Boulevard

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, 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.

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

Signer 1
Ally Campbell
Planner II, Planning

Patricia Bridal, CAO

Date: _____

X

Signer 2
Terry Barton
Director, Planning and Community Services Division

REVIEWED WITH

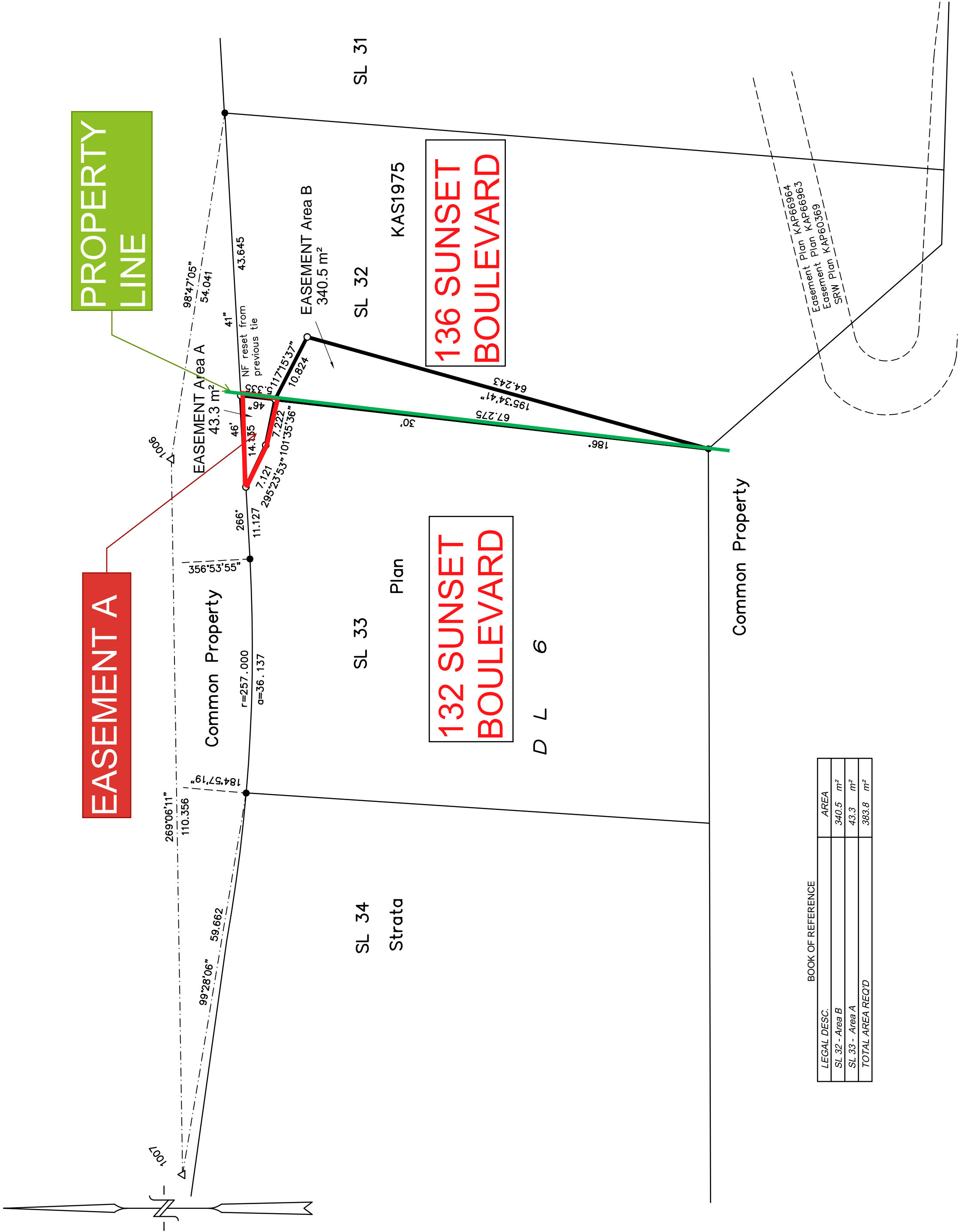
- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & 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 (JAN 23, 2024) | | |
| <input type="checkbox"/> OTHER: | | |

REFERENCE PLAN OF EASEMENT OVER PARTS OF STRATA LOTS 32 AND 33, DL 6, ODYD, STRATA PLAN KAS1975.

PLAN EPP123045

Pursuant to Section 99(1)(e) of the Land Title Act
BCGS 82L.024

10 0 10 20 30
All distances are horizontal ground level, in metres and decimals thereof
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH by 432mm IN HEIGHT (C size) WHEN PLOTTED AT A SCALE OF 1:500



LEGEND

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- △ DENOTES TRAVERSE HUB SET

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL CARRIER PHASE GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11 NORTH.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED USING 2.2 HOURS OF GNSS DUAL FREQUENCY OBSERVATIONS AND POST PROCESSED USING THE CSRS-PPP ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998779. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 446 METRES.

REFERENCE POINT 1006	
UTM NORTHING.....	5566651.498
UTM EASTING.....	331750.679
DATUM.....	NAD83 (CSRS)(2002), UTM Zone 11
ESTIMATED ABSOLUTE ACCURACY IS	0.05m
COMBINED FACTOR IS	0.9998776

REFERENCE POINT 1007	
UTM NORTHING.....	5566649.771
UTM EASTING.....	331640.349
DATUM.....	NAD83 (CSRS)(2002), UTM Zone 11
ESTIMATED ABSOLUTE ACCURACY IS	0.05m
COMBINED FACTOR IS	0.9998782

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 5th DAY OF JANUARY, 2023.

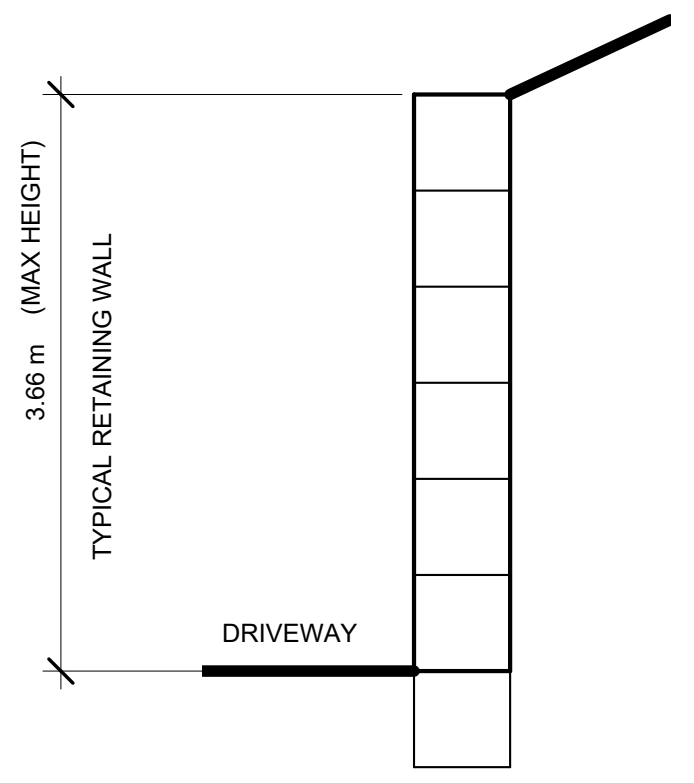
JASON RUSSELL SHORTT, BCLS # 770

russell shortt
land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)545-0511
F.B. 1.335 p. 80, 102 File: 30247_ease

Email: jasons@rshortt.ca
268227_190123

No.	Description	Date
BP	BUILDING PERMIT	APR 22 2022
1	Site Drainage	APR 25 2022
2	Truss Coordination	APR 25 2022
3	Garage Floor Height	JUNE 20 2022
4	Retaining Wall	MAY 8 2023



④ Typical Retaining Wall
1/4" = 1'-0"

③ Retaining Wall Elevation
1" = 10'-0"

SL32 - 13
Sunset Bl
Vernon Bl

Site

Date	M
Drawn by	
Project No.	925
Scale	As

A1

ZONING: RR - VERNON

NORTH ELEVATION



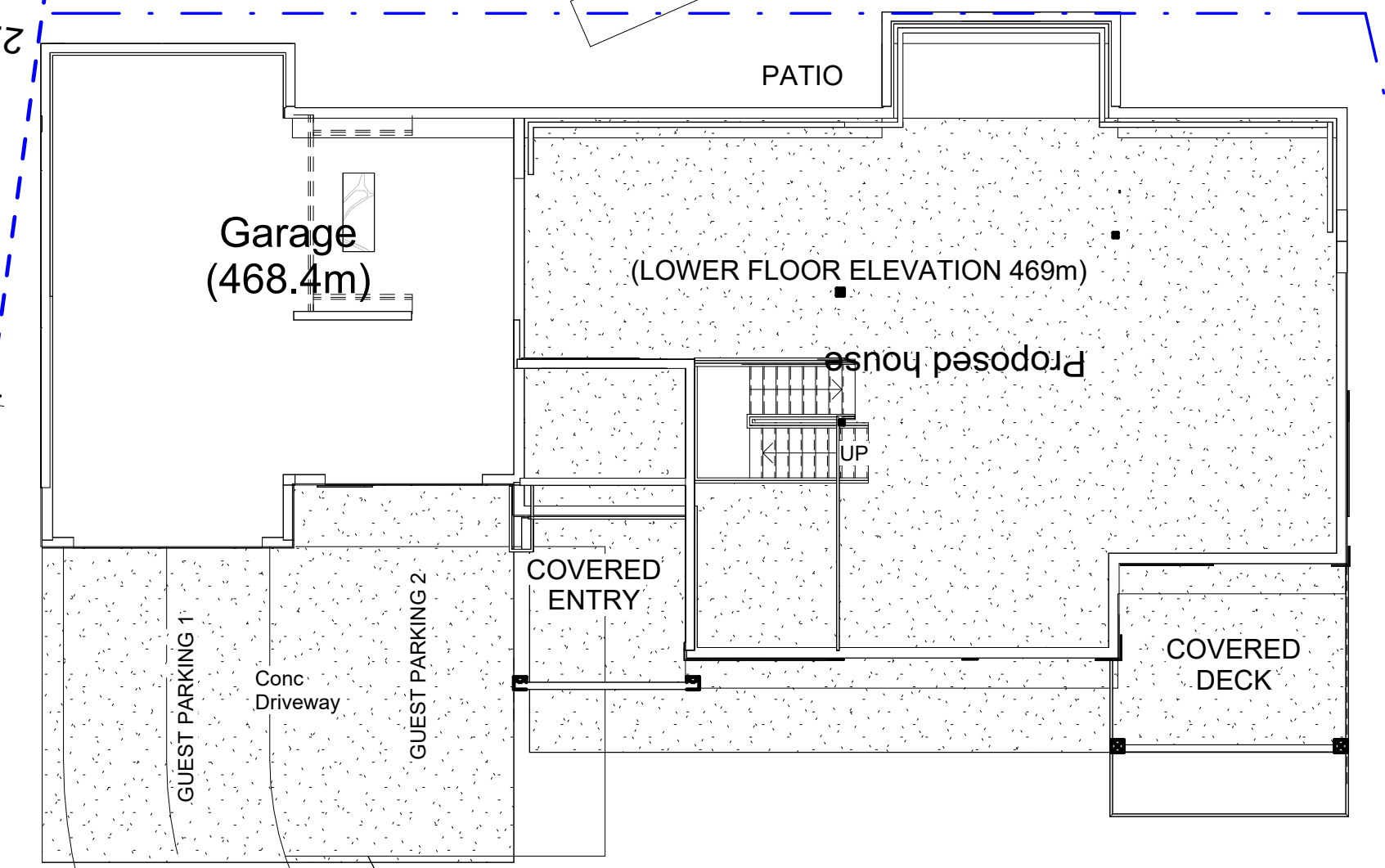
PROPERTY LINE

132 SUNSET BLVD

136 SUNSET BLVD

Approx Driveway Location

40.23 m RETAINING WALL



30% line

2.05

2.00 m

Garage
(468.4m)

PATIO

(LOWER FLOOR ELEVATION 469m)

Proposed house

COVERED ENTRY

COVERED DECK

GUEST PARKING 1

Conc Driveway

GUEST PARKING 2

7.60 m

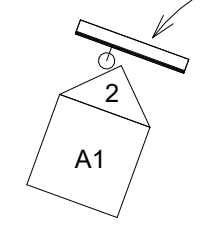
PROPERTY LINE

43.617

SITE PLAN

Common
(Road)

Entry Light/Address Location



swale at ditch line

460

465

470

475

Proposed driveway

GARAGE

50

40

30
SUNSET BLVD

20

10

6m @ 3%

45m @ 15%

6m @ 2%





(250) 899-9060
AppleBruin Engineering Inc.
Suite 203 – 1962 Enterprise Way
Kelowna, BC V1Y 9S6

March 17, 2023

Project 22-60W

Reico Construction Ltd.
618 Pottery Road
Vernon, BC V1B 3A6

Attention: Mr. Dan Reichelt
Email: reico-construction@hotmail.com

Dear Sir:

RE: GEOTECHNICAL DESIGN AND COMMENTS, PROPOSED DRIVEWAY WALL, 136 SUNSET BOULEVARD, VERNON, BC

INTRODUCTION

As requested by Mr. Dan Reichelt of Reico Construction Ltd. (Reico), AppleBruin Engineering Inc. (AppleBruin) has carried out a site review and design for the proposed driveway wall at the above noted location. Several field reviews of the site have taken place over the past months.

The City of Vernon has requested comments regarding the necessity of the proposed wall noted. A BC Building Code Schedule B dated March 14, 2023 has been submitted for this project pertaining to geotechnical aspects. The Name of Project according to the Schedule B is: Proposed Slope Facing Verti-Block Wall for Driveway = max. exposed height of 11 ft.

Attached to this letter is a copy of a Site Plan (original by Russell Shortt, Land Surveyors). The revised handwritten Typical Section Design Sketch of March 6, 2023 is attached, and now includes the writer's seal (approval) for a maximum exposed height of 11 ft., based on stability analyses, the site soil profile and geometry. The 36" Standard Verti-Block and Gravel Infill drawing is attached. For reference, several Site Photographs have been included.

SITE DESCRIPTION AND BACKGROUND

The lot is located at 136 Sunset Boulevard on a north-facing hillside in Vernon, BC. A new residential house (Reichelt's) is under construction at an approximate floor elevation of 6 to 7 meters above Sunset Boulevard and the Driveway intersection.

It is understood that the lower part of the driveway access has been provided as an easement through the neighbouring property owner's land at 132 Sunset Boulevard. The owners of the property, Richard and Karen Stuivenberg, also requested a wall facing to support the cut made into the native material for Reichelt's driveway.

FIELD REVIEW OBSERVATIONS AND MEASUREMENTS

The length of the driveway is roughly 57 meters, ranging in grade from 2 to 15%, according to the information on the Site Plan. The driveway has been cut into the slope exposing native glacial TILL soil comprised of hard Silt with trace clay, containing variable sand, gravel and cobble particle sizes. In elevation the cut is approximately 4 meters to nearly 5 meters (13 to 15 ft) below the existing asphalt driveway of 132 Sunset Boulevard. The slope stands steeply at about 0.5H:1.0V (horizontal to vertical), then flattens at closer to 2.0H:1.0V in the last 1.0 to 1.5 m (3 to 5 ft) of vertical height.

For reference, see the attached Site Plan, Typical Section and Photographs.

COMMENTS, CONCLUSIONS AND RECOMMENDATIONS

The site glacial TILL material stands intact even after being cut steeply due to its inherent strength; however, it is prone to erode at the surface due to the effects of rainfall and freeze-thaw processes. A wall facing consisting of the Verti-Block system, as described, is considered necessary to face and protect the slope from surface erosion and sloughing over time.

The Standard Verti-Block is 36" deep (into the slope), 24" high and 48" wide, to be filled with Drainage Rock. The design calls for non-woven geotextile to be placed on the native glacial TILL slope, then to set the blocks as per manufacturer's instructions on a prepared base of compacted Crushed Gravel, then backfill inside and behind the wall with Drain Rock. The design is for the blocks to be set at an additional tilt (batter) of 5% for increased stability. The base block is to be embedded a minimum 1 ft into the grade. The finished upper surface should be covered with the non-woven geotextile and a minimum 6" Topsoil layer, then seeded to promote growth of vegetation. A swale for drainage purposes directed to the toe of the driveway is to be constructed behind the top of the wall.

As per AppleBruin's BC Building Code Schedule B for this project dated and delivered March 14, 2023 to Reico, periodic field reviews of the installation of the Driveway Wall system have been conducted and will continue until construction is complete and satisfactory.

CLOSURE

This letter has been prepared by AppleBruin Engineering Inc. for the site and proposed construction noted herein, and for the intended client noted above, Mr. Dan Reichelt of Reico Construction Ltd., and his agents and clients for this work. It is further intended that the authority having jurisdiction, the City of Vernon, may also rely on the findings and recommendations contained in this report, as it relates to the proposed development described herein. Any use which a third party makes of the information contained herein, or any reliance or decisions made based on it are the responsibility of such third parties. AppleBruin Engineering Inc. accepts no responsibility for damage, if any, suffered by any third party as a result of decisions made or actions taken based on information contained in this report.

We trust this meets your present requirements. Please do not hesitate to contact the undersigned if you have questions or require further information.

Yours very truly,

AppleBruin Engineering Inc.
Permit to Practice # 1002083



David Neitsch, P. Eng.
Geotechnical Engineer

Attachments:

Site Plan (by Russell Shortt, File 30247, April 14, 2022)
Design Sketch Typical Section, For Construction dated 17 March 2023
Verti-Block – 36" Standard Block and Gravel Infill
Site Photographs (6 Pages)

Re. 136 Sunset Boulevard – Retaining Wall Variance**To Whom It May Concern:**

I write in support of the variance application for an over-height retaining wall along the driveway to 136 Sunset Boulevard.

My wife and I reside at 132 Sunset Boulevard, directly beside 136 Sunset. Our two-tiered driveway is located immediately above the unfinished driveway that is cut for 136 Sunset. Both our house and 136 Sunset are located on the steep, uphill side of Sunset Boulevard. Accessing our house at 132 Sunset uses the full 200 foot frontage, a switchback and another 100+ feet of driveway to climb the hill to our home. 136 Sunset Boulevard has the same uphill topography but it has only 140 feet of frontage, part of which is blocked by a large electrical service box. The limited frontage and service box location, combined with the steep terrain make access to the approved building envelope for 136 Sunset very difficult indeed.

Safety is my primary concern balanced against the aesthetic requirements of the Strata Corp. 1975.

Safety:

The new driveway for 136 Sunset is located parallel to and in extremely close proximity our driveway on the hillside immediately above. Unfortunately, I do not see any other option for accessing the new house.

Our property is prone to sluffing, despite appearing sound. The proposed retaining wall will ensure that the geotechnical integrity of our driveway and the respective properties remain intact. As such, it will prevent any foreseeable natural event that could jeopardize the life or safety of anyone using either our driveway or the driveway to 136 Sunset.

We believe that the timely installation of engineered retention is key to preventing erosion and/or sluffing damage to our driveway and, more importantly, the short and long-term risk to the safety of anyone using our driveway or the driveway to 136 Sunset in the event of a collapse.

Strata Aesthetics

While both the City of Vernon and Strata Corp. 1975 have near identical retaining wall height restrictions, it is important to note that several properties have retaining walls identical to the one proposed for 136 Sunset. It is obvious that each of the properties, like 136 Sunset faced terrain challenges that could only be overcome through the Variance Process. Examples, easily visible from the roadway, include, but are not limited, to the following:

201 Melrose Court – Engineered Block
 105 Sunset Boulevard – Engineered Block
 112 Sunset Boulevard - Concrete
 124 Sunset – Installed Natural Rock
 136 Sunset – Engineered Block, Proposed

The engineered blocks intended for 136 Sunset Boulevard match the engineered blocks used for the existing over-height retaining walls on the properties within the Strata, as noted above. This choice of material provides consistency and continuity of appearance within the Strata proper.

It's unfortunate that access to 136 Sunset Boulevard is so restricted however these challenges are not new. They were foreseen, and the method of overcoming them, the approval of over-height retaining walls, has historically been approved by both the City of Vernon and Strata Corp. 1975. In this instance, it would seem readily evident that compliance with the bylaw would cause undue hardship to the owner of 136 Sunset Boulevard and in no way does the proposal;

- Result in inappropriate development of the site
- Adversely affect the natural environment
- Substantially affect the use and enjoyment of adjacent land
- Vary permitted uses and densities
- Defeat the intent of the bylaw

I trust that the Board of Variance will easily see that while the need for an over-height retaining wall is an exception to the Bylaws, it is in fact both factually and historically a normal topographically based exception for some of the properties that comprise Strata Corp 1975.

Respectfully submitted for your consideration,





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Approving Officer

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: February 26, 2024
REPORT DATE: January 17, 2024
FILE: DVP00629 (x-ref: SUB00813)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR MANNING PLACE

PURPOSE:

To review the development variance permit application for Manning Place in order to vary Section 9.6.6. of Zoning Bylaw 5000 to vary provisions related to impermeable lot coverage for certain proposed lots.

RECOMMENDATION:

THAT Council support Development Variance Permit application 00629 (DVP00629) to vary Section 9.6.6 of Zoning Bylaw 5000 to the impermeable surface coverage for Lots 5 to 15 to be varied from 50% to 57% and Lot 16 to be varied from 50% to 51% as part of a subdivision LOT 1 PLAN 41347 SECTION 18 TOWNSHIP 5 OSOYOOS DIVISION YALE DISTRICT EXCEPT PLAN KAP44294 KAP49760 KAP50427 as outlined in the report titled "Development Variance Permit Application for Manning Place" dated January 17, 2024 and respectfully submitted by the Approving Officer.

ALTERNATIVES & IMPLICATIONS:

THAT Council not support Development Variance Permit application 00629 (DVP00629) to vary Section 9.6.6 of Zoning Bylaw 5000 to the impermeable surface coverage for Lots 5 to 15 to be varied from 50% to 57% and lot 16 to be varied from 50% to 51% as part of a subdivision LOT 1 PLAN 41347 SECTION 18 TOWNSHIP 5 OSOYOOS DIVISION YALE DISTRICT EXCEPT PLAN KAP44294 KAP49760 KAP50427 as outlined in the report titled "Development Variance Permit Application for Manning Place" dated January 17, 2024 and respectfully submitted by the Approving Officer.

Note: This alternative does not support the development variance application. The owner would have to develop the property in accordance with the municipal bylaws.

ANALYSIS:

A. Committee Recommendations:

At its meeting of January 23, 2024, the Advisory Planning Committee adopted the following resolution:

"THAT the Advisory Planning Committee recommends that Council"

B. Rationale:

1. The subject property is located at Manning Place (Figures 1, 2 and 3). The property is designated Residential – Low Density in the Official Community Plan (OCP) and is within the Foothills Neighbourhood Plan (Attachment 1).
2. The subject property is zoned R5 – Fourplex Housing Residential (Attachment 2).
3. The subject application is to vary Section 9.6.6 of Zoning Bylaw 5000 to allow impermeable surface coverage for Lots 5 to 15 to be varied from 50% to 57% and Lot 16 to be varied from 50% to 51% as part of a subdivision (Attachment 3).
4. The proposed lot and road layout (Attachment 4) illustrates the proposed lots as well as the proposed no-build no-disturb covenant area on the lots backing onto the BX Creek ravine. Seven of the proposed 30 lots are subject to the proposed variance for increased impermeability coverage.

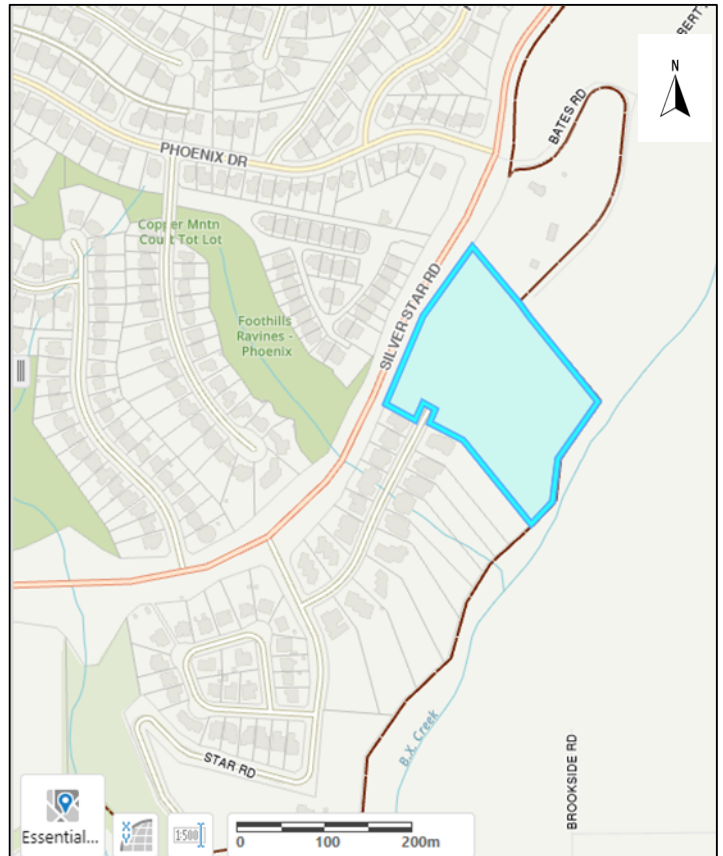


Figure 1 – Property Location Map

5. A total of 38 units are proposed upon full build-out of the subdivision (28 side by side two-family units, one single family dwelling and nine townhouses).
6. As part of the proposed subdivision, a Preliminary Layout Review has been issued for the proposed subdivision. Manning Place will be connected through to Herbert and Bates Roads. The slope down to BX Creek will be protected by a no-build, no-disturb restrictive covenant (Attachment 4).
7. The subject property has been within the City of Vernon since roughly the late 1980s. The R5 zoning has been in place since 1992 (i.e. Rezoning Bylaw 3816).



Figure 2 – Aerial Photo of Property

8. In support of the variance application, the applicant has provided the following rationale: "We are requesting variance on the impermeable surfaces maximum. Our rationale for this request is that we are providing a community with ample parking, in an area outside of the city core (i.e. that doesn't have a great walkability score, and will rely on vehicles) – this extra site coverage will help keep the streets clear of parking vehicles by having full length double-wide driveways."

9. The proposed subdivision meets all other provisions of the municipal bylaws related to subdivision control. Storm drainage for the subdivision has been designed by a qualified professional engineer and subsequently accepted by the City of Vernon.
10. Administration support the proposed variance application as it impacts only 7 of the 30 lots (i.e. 23%), is modest in nature and any resultant additional storm discharge created by the increased impermeable surface will be accommodated by an engineered storm management system.

C. Attachments:

- Attachment 1 – Official Community Plan and Foothills Neighbourhood Plan
- Attachment 2 – R5 – Four-plex Housing Residential
- Attachment 3 – Section 9.6.6, R5 Development Regulations Zoning Bylaw 5000
- Attachment 4 – Proposed Road, Lot Layout

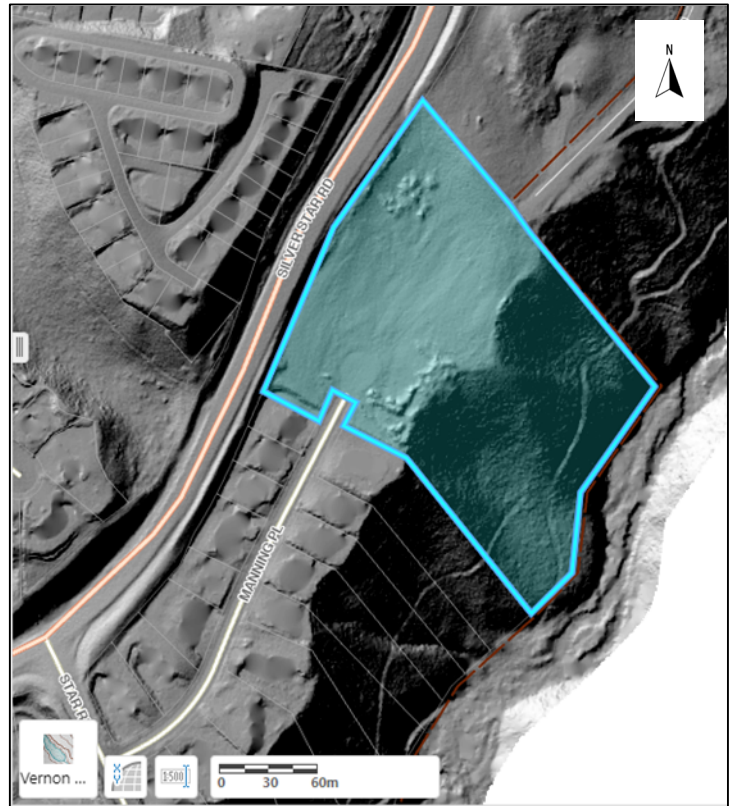


Figure 3 – LIDAR Imagery

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. The subject property is designated Residential Low Density in the Official Community Plan (OCP) and within the Foothills Neighbourhood Plan.
2. The subject property is zoned R5: Four-plex Housing Residential in Zoning Bylaw 5000.
3. The *Local Government Act* provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Budget Previously Approved | <input type="checkbox"/> New Budget Request
(Finance Review Required) |
|--|---|--|

Prepared by:

Approved for submission to Council:

X

Signer 1

Craig Broderick

Approving Officer

Patricia Bridal, CAO

Date: _____

X

Signer 2

Terry Barton

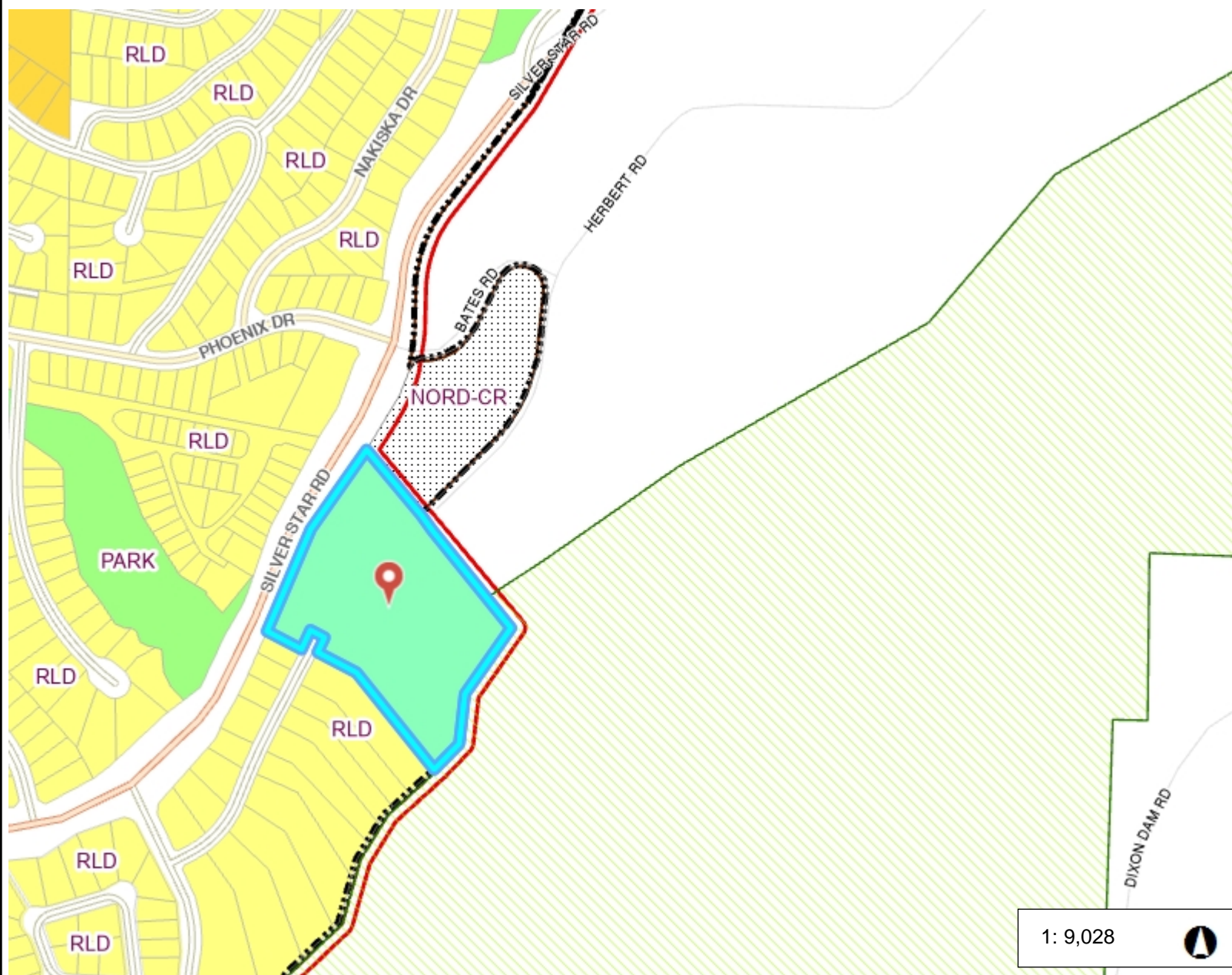
Director, Planning and Community Services Division

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 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 (Jan.23/24) | | |
| <input type="checkbox"/> OTHER: | | |

\\gw1\groups\3000-3699
Rpt_DVP00629.docx

LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00629\2 PROC\Rpt\240116_cb_APC



Legend

- Vernon Parcels
- Archaeological Sites**
 - Archaeological Site
 - Unprotected Historical Site
 - Recognized Historical Site
- ALR Boundaries
- Development Districts**
 - CITY CENTRE DISTRICT
 - HILLSIDE RESIDENTIAL AND AG
 - NEIGHBOURHOOD DISTRICT
 - RESIDENTIAL LOW DENSITY CO
- Adopted Neighbourhood Plan / Official Community Plan (2014)
 - MIXED USE - HIGH DENSITY COM RESIDENTIAL
 - TRANSPORTATION
 - NEIGHBOURHOOD CENTRE
 - COMMUNITY COMMERCIAL
 - TOURIST COMMERCIAL
 - MIXED USE - MEDIUM DENSITY (RESIDENTIAL
 - RESIDENTIAL - LOW DENSITY
 - RESIDENTIAL - MEDIUM DENSIT
 - RESIDENTIAL - HIGH DENSITY
 - HILLSIDE RESIDENTIAL
 - RESIDENTIAL SMALL LOT - SING DWELLING
 - ALR LANDS

1: 9,028



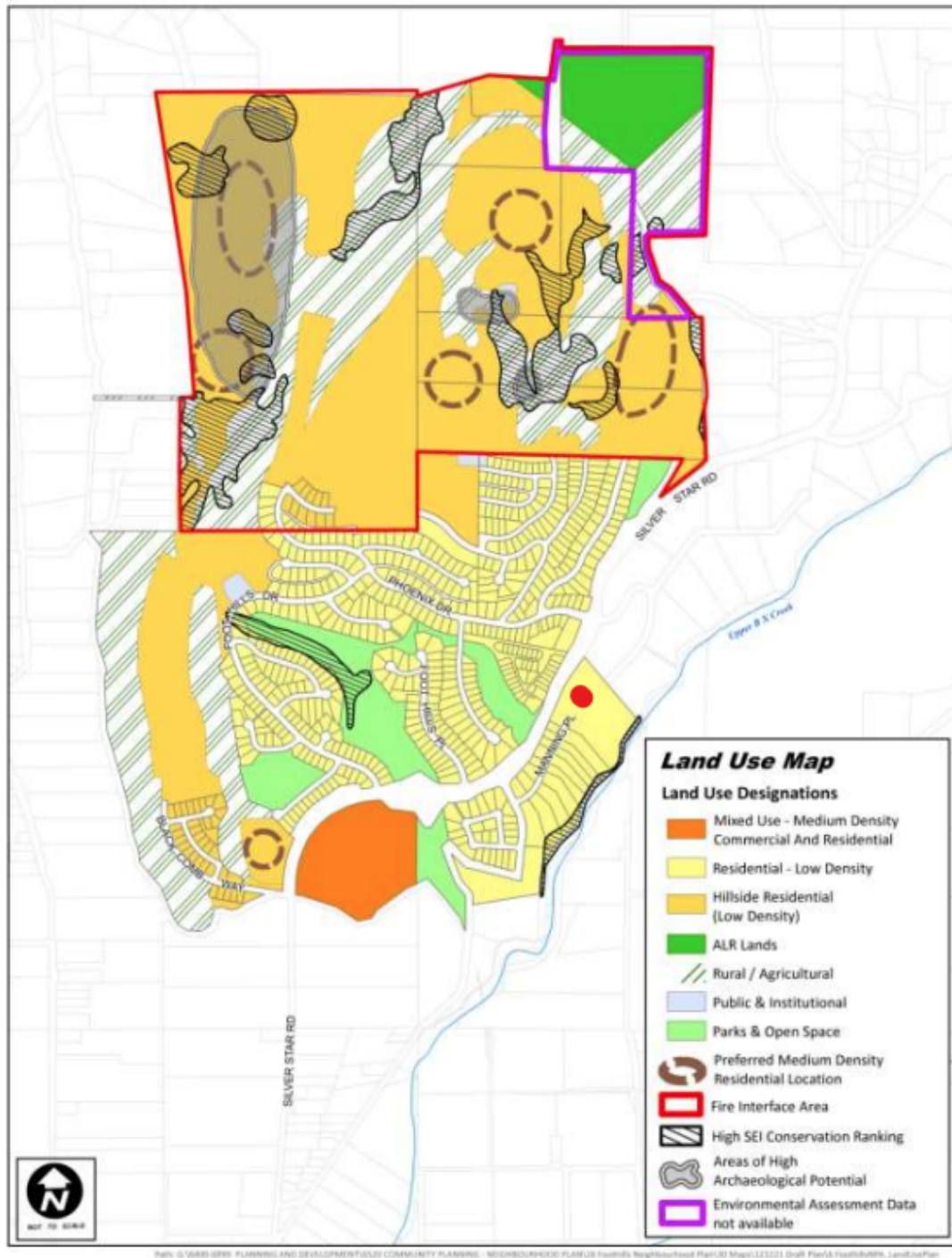
458.6 0 229.31 458.6 Meters

Notes

Foothills Neighbourhood Plan

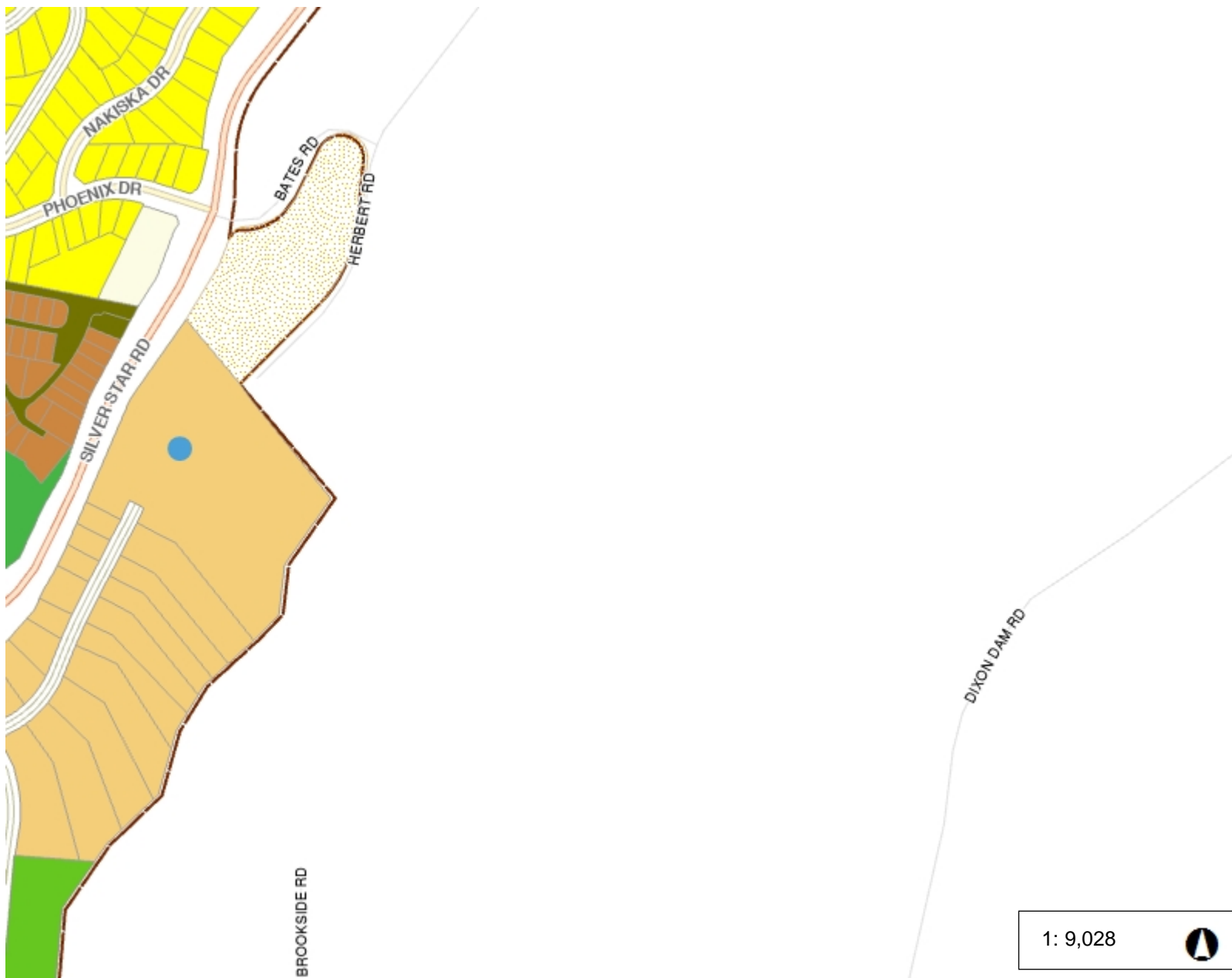
[foothills_nhp.pdf \(vernon.ca\)](#)

Map #5: Land Use Designations






























HWY 6



Legend

-  Vernon Parcels
-  Land Use Contracts
-  Phased Development Agreement
- Multi Zoned Polygons**
 -  LH NORD
 -  NU NORD
 -  S1 NORD
 -  C1 NORD
 -  CR NORD
 -  R1 NORD
 -  R2 NORD
 -  A1
 -  A2
 -  A3
 -  RR
 -  R1
 -  R1H
 -  R2
 -  R2H
 -  R3
 -  R3H
 -  R4
 -  R5
 -  R5A
 -  R6
 -  R7

1: 9,028



458.6 0 229.31 458.6 Meters

Notes

R5**9.6 R5: Four-plex Housing Residential****9.6.1 Purpose**

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached, semi-detached, duplex, three-plex or four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre, major** as an additional use. The R5h sub-zoning district allows for **home based business, major** as an additional use. (Bylaw 5467)

9.6.2 Primary Uses⁴

- **care centre, major** (use is only permitted with the R5c sub-zoning district)
- **duplex housing**
- **four-plex housing**
- **group home, major**
- **semi-detached housing**
- **single detached housing**
- **three-plex housing**
- **seniors housing**

9.6.3 Secondary Uses

- **boarding rooms**
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (in single detached housing only) (use is only permitted with the R5h sub-zoning district)
- **secondary suites (in single detached housing only)**
- **seniors assisted housing**
- **seniors supportive housing**

9.6.4 Subdivision Regulations

- Minimum **lot width** is 20.0m, except it is 22.0m for a **corner lot**.
- Minimum **lot depth** is 30.0m.
- Minimum **lot width** for single detached housing is 14.0m, except it is 16.0m for a **corner lot**.
- Minimum **lot area** for single detached housing is 450m².
- Minimum **lot area** is 700m², except it is 800m² for a **corner lot**, or 10,000m² if not serviced by a **community sewer system**. (Bylaw 5339)

9.6.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	350m ²	400m ²	10.0m	12.0m
Three-Plex Housing	235m ²	285m ²	7.0m	9.0m
Four-Plex Housing	175m ²	225m ²	7.0m	9.0m

9.6.6 Development Regulations

Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.

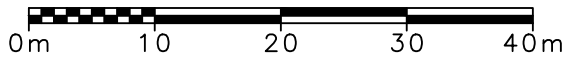
- Maximum **floor space ratio** is 0.6.
- Maximum **height** is 10.0m, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, except it is 6.0m for a garage or **carport** to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum **side yard** is 2.0m for a 1 or 1.5 **storey** portion of a **building** or a **secondary building or structure** and 2.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** setback for shared interior **party walls** shall be 0.0m. The minimum **side yard** setback for **single detached housing** is 1.5m, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a **flanking street** and at least 6.0m from the back of curb or sidewalk.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**.
- 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.
- Maximum **density** is 30 units per gross hectare (12 units/gross acre).
- Maximum four **dwelling** units located in a **building**.

9.6.7 Other Regulations

- In order for bareland strata **developments** 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**.
- A minimum area of 25m² of **private open space** shall be provided per **dwelling**.
- Where **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**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- 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**.
- 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)

BCGS 82L.034

SCALE 1 : 600



The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:600

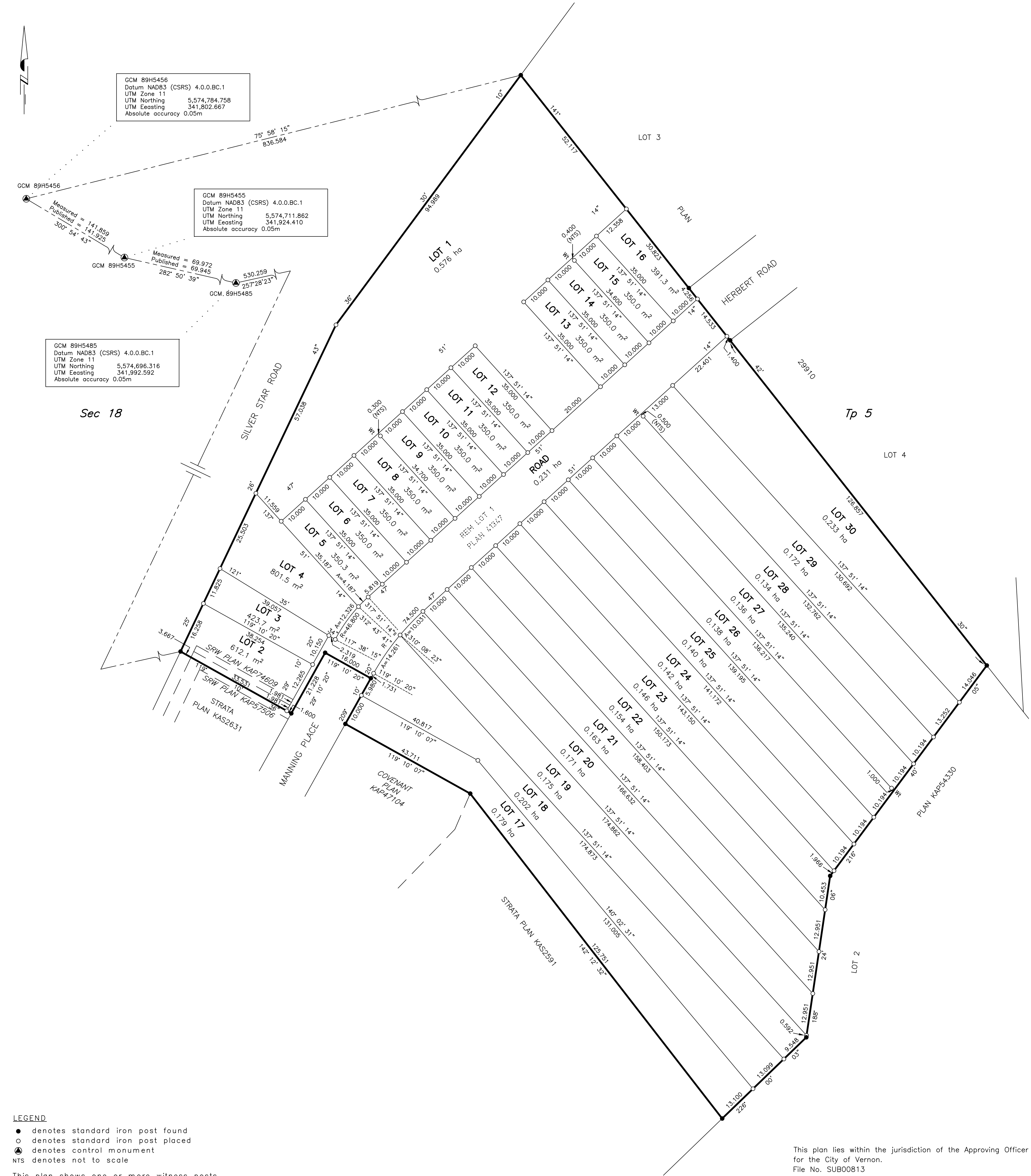
Integrated Survey Area No. 19, City of Vernon, NAD83(CSRS) 4.0.0.BC.1

Grid bearings are derived from observations between geodetic control monuments 89H5485 and 89H5456 and are referred to the central meridian of UTM Zone 11 (117° west longitude).

This plan shows horizontal ground-level distances in metres, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998123. The average combined factor has been derived from geodetic control monuments 89H5485 and 89H5456.

The UTM coordinates and estimated absolute accuracy achieved are derived from the MASCOOT published coordinates and standard deviations for geodetic control monuments 89H5485 and 89H5456.

Attachment 4



This plan lies within the jurisdiction of the Approving Officer for the City of Vernon.
File No. SUB00813

This plan lies within the Regional District of North Okanagan.

The field survey represented by this plan was completed on the 23rd day of November, 2023.
Scott G. McPherson, BCLS 859

McPherson Maddox
Land Surveying
3500 - 30th Street
Vernon, BC V1T 5E8
Telephone: (250) 542-4343

115590R00

FILE: R11559

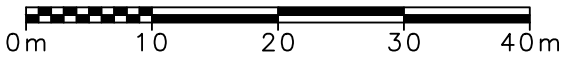
REFERENCE PLAN OF COVENANT OVER PART OF LOTS 17 THROUGH 30,
SEC 18, TP 5, ODYD, PLAN EPP133365

PLAN EPP134308

Pursuant to Section 99(1)(e) of the Land Title Act

BCGS 82L.034

SCALE 1 : 600



The intended plot size of this plan is 432mm in width by 560mm in height (C size) when plotted at a scale of 1:600

Integrated Survey Area No. 19, City of Vernon, NAD83(CSRS) 4.0.0.BC.1

Grid bearings are derived from observations between geodetic control monuments 89H5485 and 89H5456 and are referred to the central meridian of UTM Zone 11 (117° west longitude).

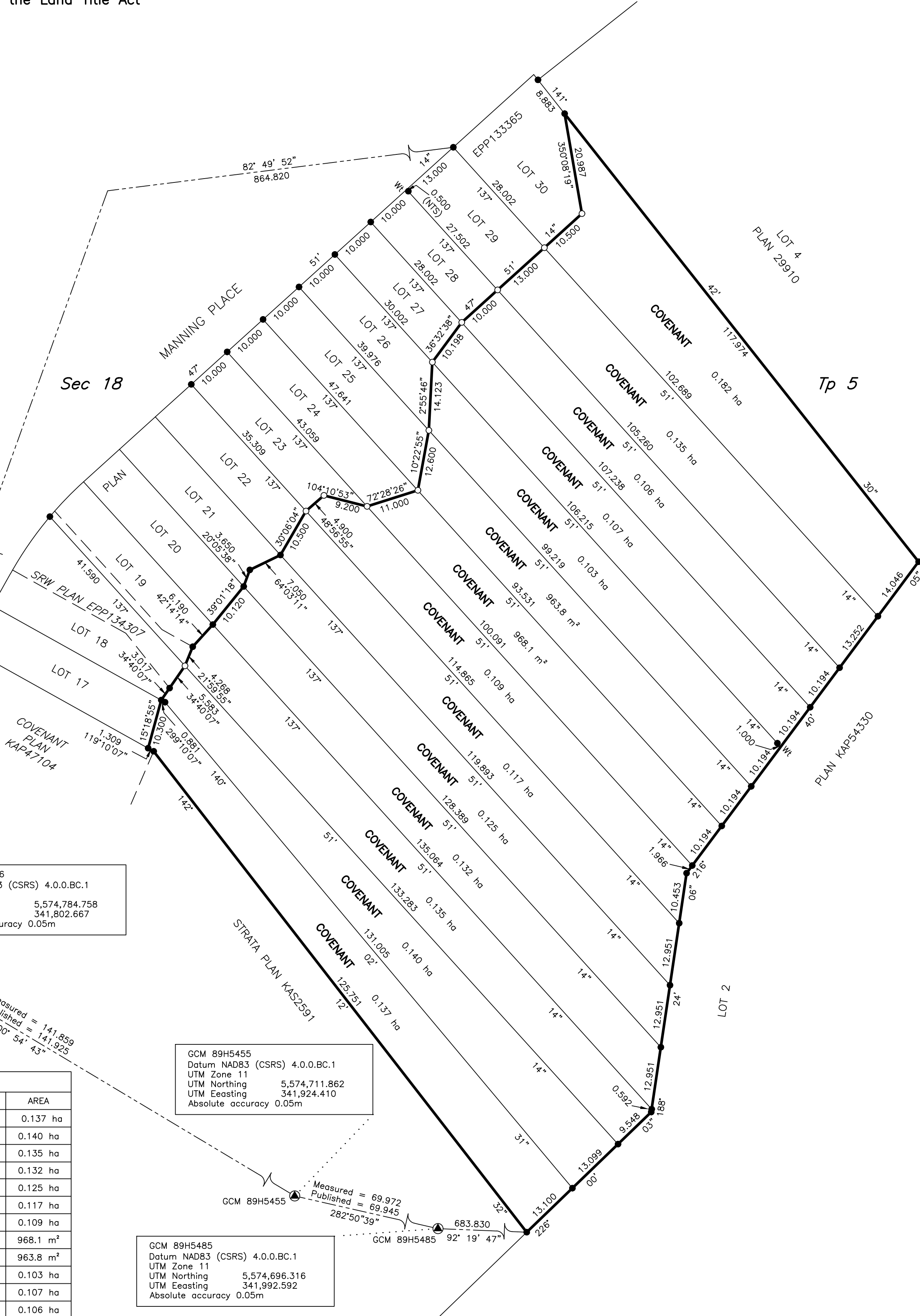
This plan shows horizontal ground-level distances in metres, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998123. The average combined factor has been derived from geodetic control monuments 89H5485 and 89H5456.

The UTM coordinates and estimated absolute accuracy achieved are derived from the MASCOT published coordinates and standard deviations for geodetic control monuments 89H5485 and 89H5456.

BOOK OF REFERENCE	
LEGAL DESCRIPTION	AREA
LOT 17, SEC 18, TP 5, ODYD, PLAN EPP133365	0.137 ha
LOT 18, SEC 18, TP 5, ODYD, PLAN EPP133365	0.140 ha
LOT 19, SEC 18, TP 5, ODYD, PLAN EPP133365	0.135 ha
LOT 20, SEC 18, TP 5, ODYD, PLAN EPP133365	0.132 ha
LOT 21, SEC 18, TP 5, ODYD, PLAN EPP133365	0.125 ha
LOT 22, SEC 18, TP 5, ODYD, PLAN EPP133365	0.117 ha
LOT 23, SEC 18, TP 5, ODYD, PLAN EPP133365	0.109 ha
LOT 24, SEC 18, TP 5, ODYD, PLAN EPP133365	968.1 m²
LOT 25, SEC 18, TP 5, ODYD, PLAN EPP133365	963.8 m²
LOT 26, SEC 18, TP 5, ODYD, PLAN EPP133365	0.103 ha
LOT 27, SEC 18, TP 5, ODYD, PLAN EPP133365	0.107 ha
LOT 28, SEC 18, TP 5, ODYD, PLAN EPP133365	0.106 ha
LOT 29, SEC 18, TP 5, ODYD, PLAN EPP133365	0.135 ha
LOT 30, SEC 18, TP 5, ODYD, PLAN EPP133365	0.182 ha

McPherson Maddox
Land Surveying
3500 – 30th Street
Vernon, BC V1T 5E8
Telephone: (250) 542-4343

115590E02



LEGEND

- denotes standard iron post found
 - denotes standard iron post placed
 - ⊙ denotes control monument
 - NTS denotes not to scale
- This plan shows one or more witness posts which are not set on the true corner(s).

This plan lies within the Regional District of North Okanagan.
The field survey represented by this plan was completed on the 8th day of December, 2023.
Scott G. McPherson, BCLS 859

FILE: R11559-3



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Approving Officer

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: February 26, 2024
REPORT DATE: January 17, 2024
FILE: DVP00633 (x-ref: SUB00787, ZON00300)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 1800 PHOENIX DRIVE

PURPOSE:

To review the development variance permit application for 1800 Phoenix Drive in order to vary Section 9.15.6 of Zoning Bylaw 5000 to allow a reduced side yard setback on all lots in a proposed subdivision in the Foothills neighbourhood.

RECOMMENDATION:

THAT Council not support Development Variance Permit application 00633 (DVP00633) to vary Section 9.15.6 of Zoning Bylaw 5000 to allow for reduced side yard setbacks of 1.5m for residential construction on Phase 1 as part of a proposed subdivision of AMENDED LOT G (SEE DD216774F) SECTIONS 13 AND 24, TWP 8, ODYD, PLAN 1362, EXCEPT PLANS 28422, 36541, KAP82631, KAP84094, KAP90431, EPP38363 AND EPP72337, as outlined in the report titled "Development Variance Permit Application for 1800 Phoenix Drive" dated January 17, 2024 and respectfully submitted by the Approving Officer.

ALTERNATIVES & IMPLICATIONS:

THAT Council support Development Variance Permit application 00633 (DVP00633) to vary Section 9.15.6 of Zoning Bylaw 5000 to allow for reduced side yard setbacks of 1.5m for residential construction on Phase 1 as part of a proposed subdivision of AMENDED LOT G (SEE DD216774F) SECTIONS 13 AND 24, TWP 8, ODYD, PLAN 1362, EXCEPT PLANS 28422, 36541, KAP82631, KAP84094, KAP90431, EPP38363 AND EPP72337, as outlined in the report titled "Development Variance Permit Application for 1800 Phoenix Drive" dated January 17, 2024 and respectfully submitted by the Approving Officer.

Note: This alternative does support the development variance application.

ANALYSIS:

A. Committee Recommendations:

At its meeting of January 23, 2024, the Advisory Planning Committee adopted the following resolution:

"THAT the Advisory Planning Committee recommends that Council"

B. Rationale:

1. The subject property is located at 1800 Phoenix Drive (Figures 1, 2 and 3). The property is designated Hillside Residential – Low Density (HRES) and Rural Agricultural (RAGR) in the Official Community Plan (OCP) and is within the Foothills Neighbourhood Plan (Attachment 1).
2. The subject property is zoned HR1 – Hillside Residential Single and Two Family, HR2 – Hillside Residential Multi-Family, P1 – Parks and Open Space and A2 – Rural Large Holdings (Attachment 2).
3. The subject application is to vary Section 9.15.6 of Zoning Bylaw 5000 to reduce side yard setbacks to be 1.5m on both sides. The HR1 zoning district requires side yard setbacks to total 5.0m with one side having a minimum of 1.5m (Attachment 3).

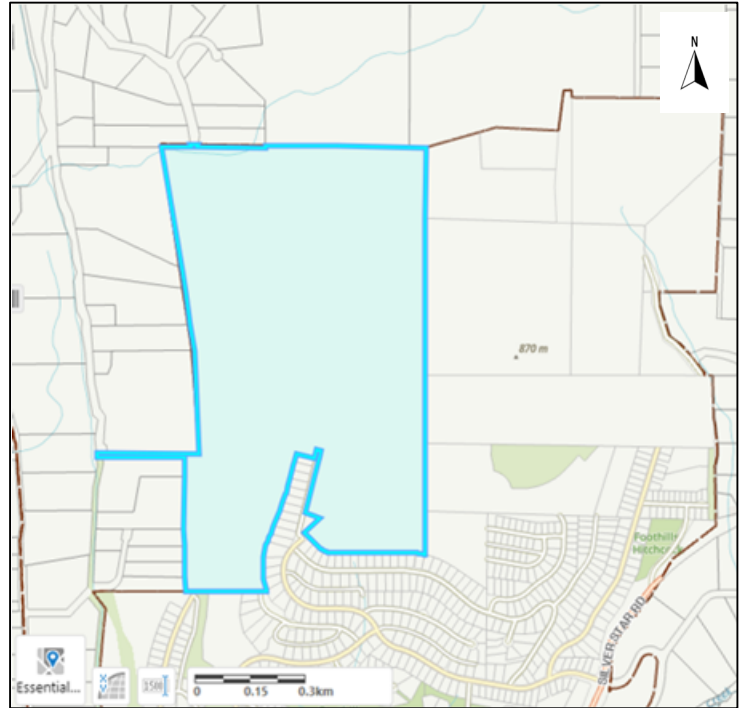


Figure 1 – Property Location Map

4. In support of the variance application, the applicant has submitted a rationale (Attachment 4).
5. As part of the proposed subdivision, Phase 1 of the development is proposed to be 58 lots. Subdivision application SUB00787 is being processed concurrently. A Preliminary Layout Review has been issued for the proposed subdivision.
6. The “Mendenhall rezoning” (ZON00300, Bylaw 5820, Attachment 5) was adopted on August 16, 2021. Most of the land that exceeds 30% has been zoned P1 – Parks and Open Space and will be dedicated as Park in the City of Vernon. This accounts for approximately 23% of the 77 ha (190 ac) site. The proposed development is to be constructed over several years, with approximately 350 dwelling units proposed.



Figure 2 – Aerial Photo of Property

7. As part of the rezoning process, a Restrictive Covenant (CA9166368) was placed on title regarding dedication of lands that were zoned for Parks and Open Space purposes. The covenant states that “Concurrent with any subdivision of the Lands, transfer to the Transferee any undevelopable land contained within the boundaries of the proposed subdivision plan which:

- a) are contiguous with any areas contained within the Lands which are zoned 'Parks and Open Space' under City of Vernon Zoning Bylaw 5000, as amended; and
- b) contain both high ESA areas and slopes greater than 30%.

Such lands shall be conveyed to the Transferee at no cost to the Transferee, shall be cleared of any debris, garbage, chattel, or other items, and shall be free from any financial encumbrances."

Three other restrictive covenants were placed on title at the rezoning stage. Those covenants require a pre-plan, trail construction and protection of a unique site feature.

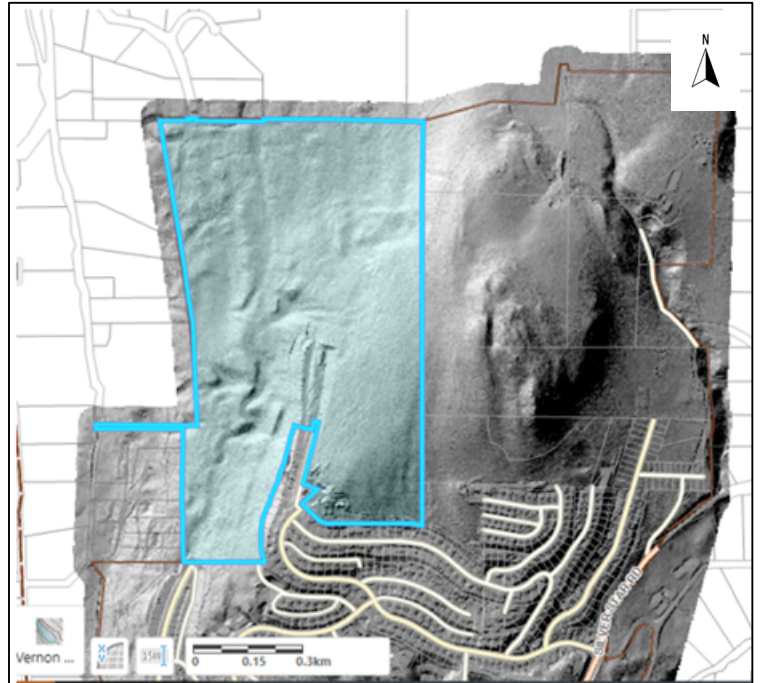


Figure 3 – LIDAR Imagery

- 8. A Development Variance Permit (DVP00620) for building on lands exceeding 30% was approved for the subject property by Council on September 11, 2023.
- 9. The applicant's Design Rationale Statement (Attachment 4) concludes that the reduced setback will result in four new lots. While this may be a valid consideration, having reduced setbacks of 1.5m is contract to the intent of the HR1 zoning district. The HR1 and HR2 zoning districts are the two city hillside zones that are intended to accommodate hillside developments. These zones were drafted based on the Hillside Guidelines (Attachment 5), which are intended to reduce the visual impact of hillside developments. One of the criteria is to keep side yard setbacks at a suitable distance to reduce the cumulative impact of hillside development. The Hillside Guidelines promote a 5.0m side yard setback of 30% of the lot width in total. The HR1 zone does allow fairly small front yard setbacks (4.0m and 0.6m for side entry garages), to encourage homes to be constructed close to the street frontage. Reducing the side yard setback to 1.5m on both sides would erode the intent of the HR1 zone and add to the visual impact of the resulting hillside development.

C. Attachments:

Attachment 1 – Official Community Plan
Attachment 2 – Zoning
Attachment 3 – Section 9.15.6 HR1 Zone (Zoning Bylaw 5000)
Attachment 4 – Applicant's Design Rationale Statement
Attachment 5 – Hillside Design Guideline Excerpt

D. Council's Strategic Plan Alignment:

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

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated Hillside Residential (HRES) and Rural Agricultural (RAGR) in the Official Community Plan (OCP) and within the Foothills Neighbourhood Plan.
2. The subject property is zoned HR1 – Hillside Residential Single and Two Family, HR2 – Hillside Residential Multi-Family, P1 – Parks and Open Space and A2 – Rural Large Holdings.
3. The *Local Government Act* provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

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
Signer 1
Craig Broderick
Approving Officer

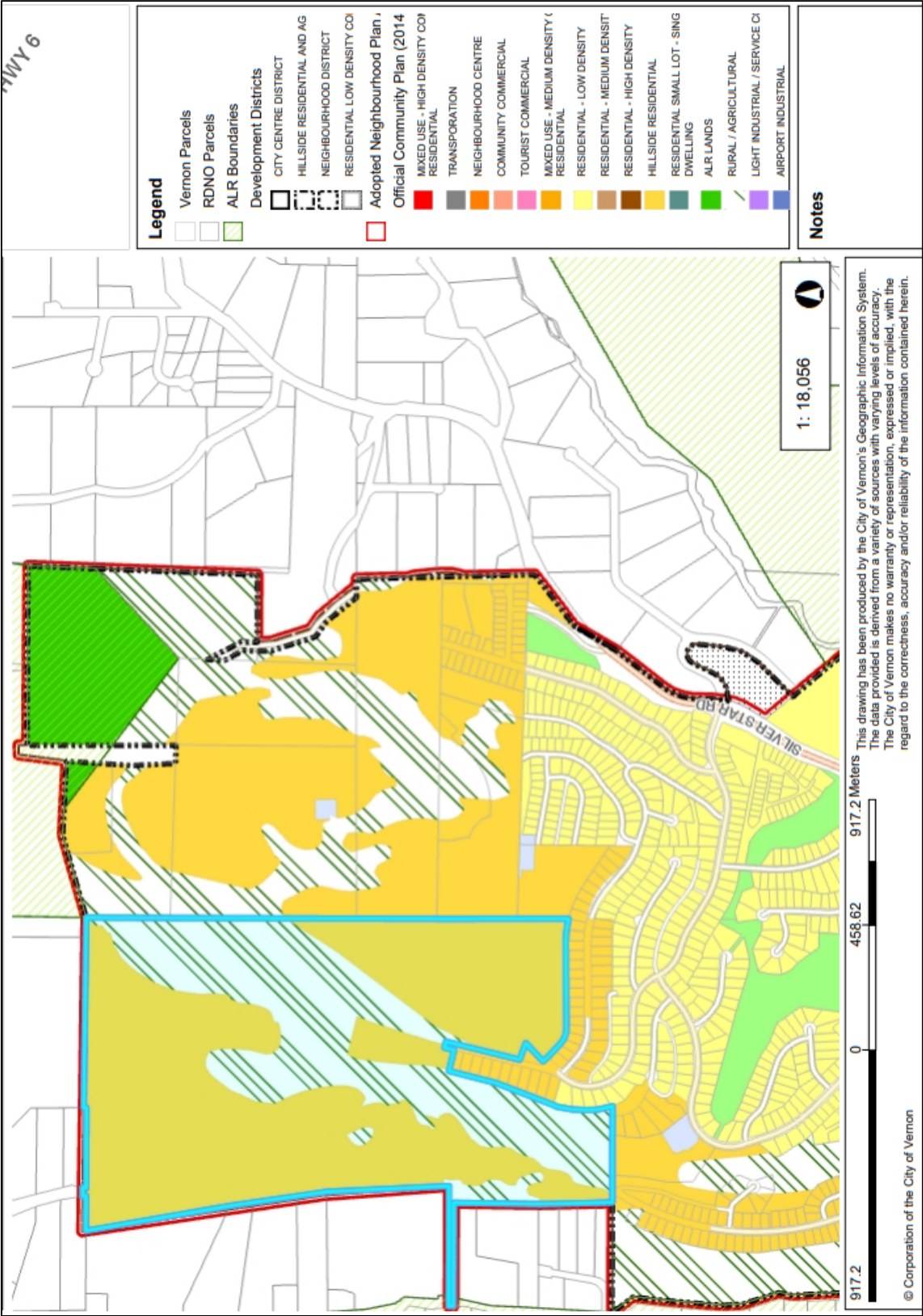
Patricia Bridal, CAO

Date: _____

X
Signer 2
Terry Barton
Director, Planning and Community Services Division

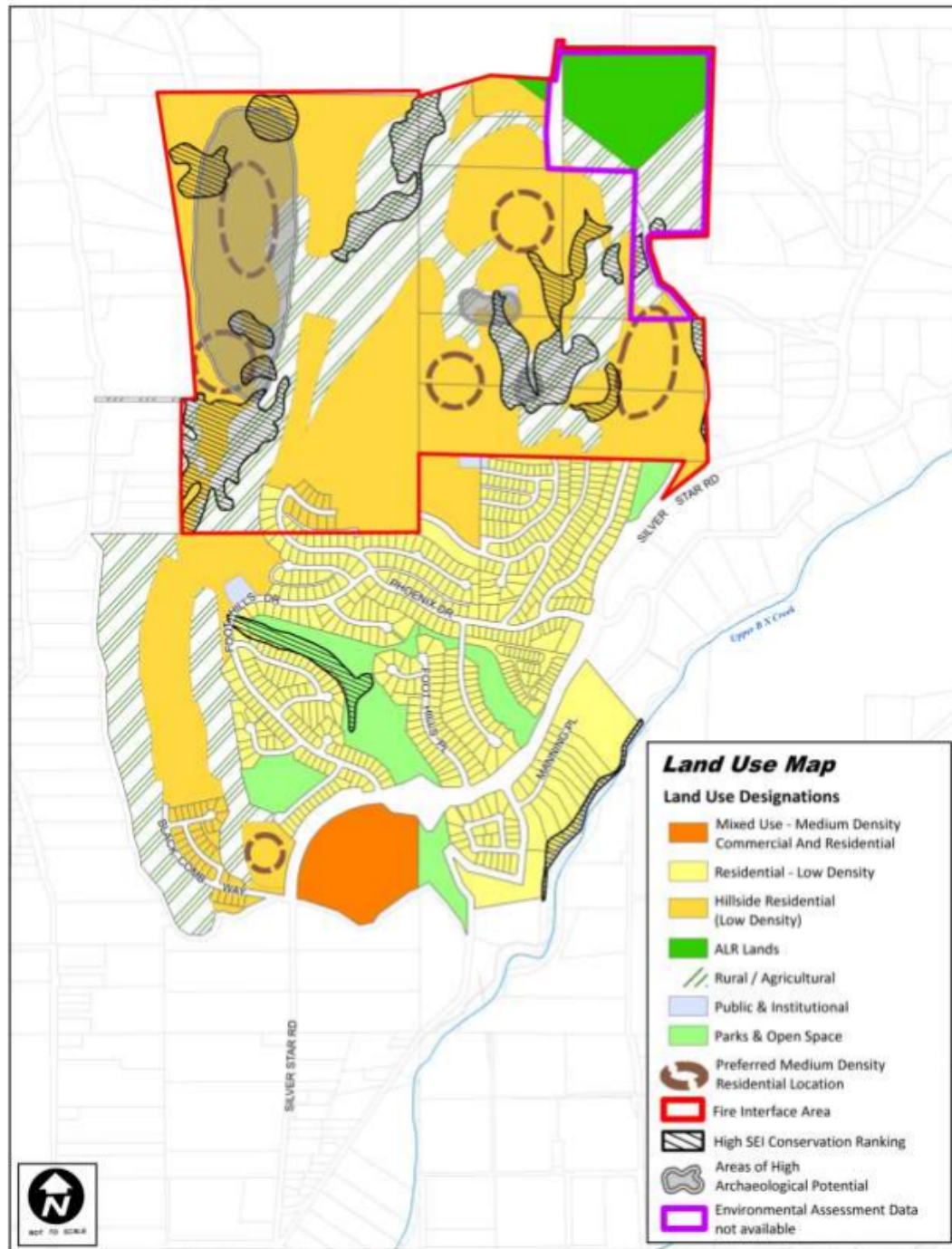
REVIEWED WITH

- | | | |
|--|---|---|
| <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 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 (Jan.23/24) | | |
| <input type="checkbox"/> OTHER: | | |



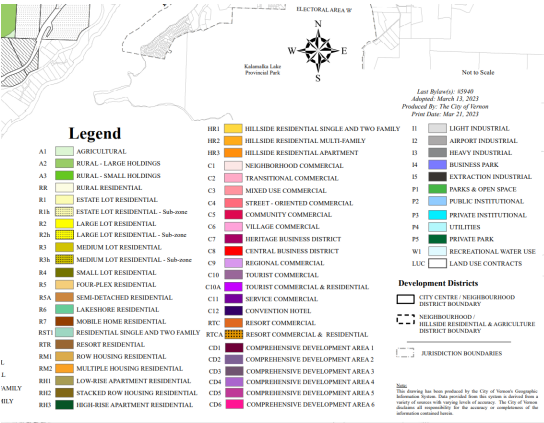
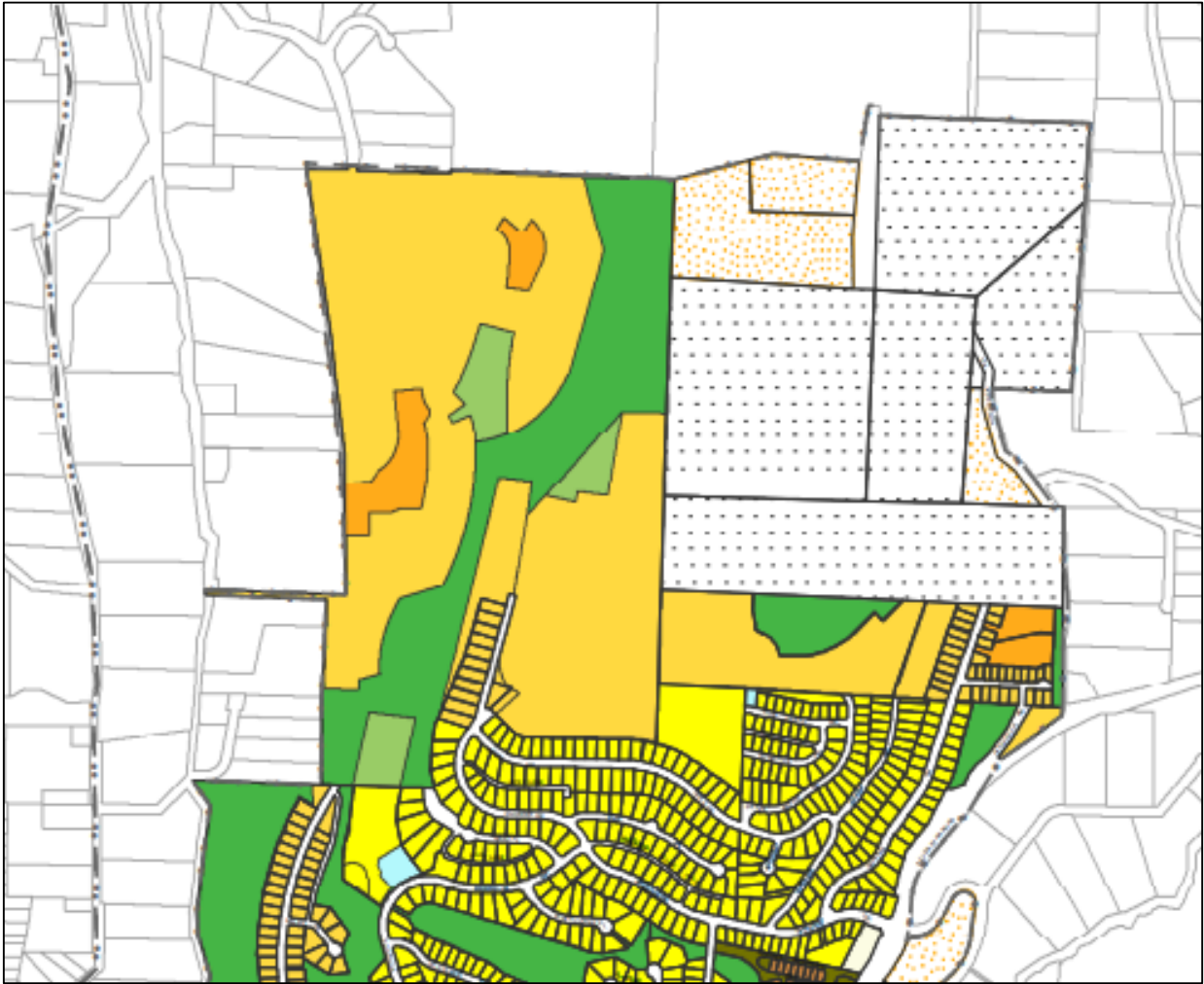
OCP - Foothills Neighbourhood Plan

Map #5: Land Use Designations



Attachment 2

Zoning



9.15 HR1 : Hillside Residential Single and Two Family

9.15.1 Purpose

To provide a **zone** for the **development** of single and two family housing in hillside residential areas.

9.15.2 Primary Uses

- duplex housing
- semi-detached housing
- single detached housing

9.15.3 Secondary Uses

- **bed and breakfast homes** (in single detached housing or semi-detached housing or duplex housing only) (*Bylaw 5498*)
- **boarding rooms**
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **secondary suites (only in single detached and semi-detached housing)** (*Bylaw 5440*)(*Bylaw 5969*)

9.15.4 Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
Duplex Housing	800m ²	840m ²	15.0m	16.5m
Semi-Detached Housing	800m ²	840m ²	19.0m	20.5m
Single Detached Housing	400m ²	440m ²	15.0m	16.5m

- Minimum **lot area** is 10,000m² if not serviced by **community sewer system**.
- Maximum **density** is 25.0 units per gross hectare (10 units/gross acre). For the purposes of calculating developable area, **lot** yield and **density**, predevelopment **lot** areas exceeding 30% slope shall be excluded.

9.15.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	400m ²	420m ²	9.5m	11.0m

- Minimum **lot area** is 10,000m² if not serviced by **community sewer system**.
- Maximum **density** is 25.0 units per gross hectare (10 units/gross acre). For the purposes of calculating developable area, **lot** yield, and **density** predevelopment **lot** areas exceeding a 30% slope shall be excluded.

9.15.6 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and all other **impermeable surfaces** shall not exceed 45%. That portion of the **lot** with a slope exceeding 30% shall be excluded from site coverage calculations.

- Maximum **height** is 10.0m, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, and it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry, or it is 0.6m to the side of the garage and 4.0m to the front building façade for side-entry garage and driveway layouts.
- **Semi-detached housing** shall have a minimum **side yard** is 2.5m, or 0.0m for the shared interior **party wall**, except it is 4.0m from a **flanking street** and 6.0m from the back of curb or sidewalk to the garage where driveway access is from the **flanking street**.
- **Single detached housing** and **duplex housing developments** shall have a minimum **side yard** of 1.5m, however the combined width of both **side yards** must be a minimum of 5.0m (ie. one **side yard** of 1.5m, then the other **side yard** shall be a minimum of 3.5m for a total combined minimum **side yard** of 5.0m)
- 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.
- Maximum one **dwelling** unit located on a **lot**, except for **duplex** and **semi-detached housing** types where a maximum of two **dwelling** units per **lot** shall be permitted.

9.15.7 Other Regulations

- A minimum area of 20.0m² of usable private **open space** shall be provided per **dwelling**. Usable private **open space** must have a slope angle of 12% or less and must be accessible from the **dwelling** it is being provided for.
- Areas of a **lot** greater than 30m² and exceeding 30% slope shall be protected as undisturbed **open space**, and shall be free from **buildings**, **structures** or **development**.
- Any areas disturbed as a function of approved **lot development** that are greater than 30m² and exceeding 30% slope shall be rehabilitated with area appropriate native vegetation and once rehabilitation is complete shall be protected as undisturbed **open space** and shall be free from **buildings**, **structures** or **development**.
- Buildings are to be natural earth tone colours, no reflective exterior building materials and mirror or reflective treated glass are permitted.
- All **development** on areas that have a slope of 12% or greater for 10% or more of the lot shall be subject to the Hillside Guidelines.
- Prior to any site disturbance or **lot development** the following must be mapped and integrated into **development** plans: identified natural features, sensitive habitat, landforms, and water features that have setbacks, protected areas, covenant areas, or areas that require permits or approvals from the Ministry of Environment, Fisheries and Oceans Canada, Integrated Land Management Bureau or other senior government agencies. For additional information and requirements please refer to charges that may appear on the **lot** title, associated permits and the Environmental Management Area Strategy.
- 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)

APPENDIX A

Design Rationale Statement

TECHNICAL MEMO

To

Corporation of the City of Vernon
3001 32 Ave, Vernon, BC, V1T 2L8

From

Andre Prohoroff, P.Eng.
McElhanney Ltd.

Re

Rational for Variance (1800 Phoenix Drive, Vernon)
Reduction of Minimum Combined Side Yard Setbacks

Date

October 6, 2023

1. INTRODUCTION

McElhanney Ltd is pleased to be submitting this Rational for Variance Permit in support of the design and construction of residential dwellings at 1800 Phoenix Drive, Vernon, BC. We are requesting to vary section 9.15.6 of Zoning Bylaw 5000 by removing the following section discussing side yard setbacks: "*however the combined width of both side yards must be a minimum of 5.0m (ie. one side yard of 1.5m, then the other side yard shall be a minimum of 3.5m for a total combined minimum side yard of 5.0m)*" and leaving the following: "*Single detached housing and duplex housing developments shall have a minimum side yard of 1.5m*". This would result in a minimum combined side yard of 3.0m rather than 5.0m.

2. RATIONALE

This variance to the zoning bylaw would allow for the creation of an additional 4 lots within the subdivision. Based on our experience, numerous lots in the Foothills have recently been developed with similar conditions, setting a precedent for the area and indicating the desirability to home owners. Additionally, this reduction to sideyards would optimize the efficiency of the subdivision and provide additional housing opportunities to the residents of Vernon.

3. CONCLUSION

Based on this rationale and the knowledge that the plans and works will be prepared and overseen by qualified professionals preparing designs consistent with best practices, we request the acceptance of this variance permit. We appreciate your review and consideration of this request.

Should you have any questions, please contact the undersigned to discuss.

Sincerely,
McElhanney Ltd.



Andre Prohoroff, P.Eng.
aprohoroff@mcelhanney.com
778-738-3909



Development of utility service strategies must also be included in the neighbourhood preplanning process. Major infrastructure requirements such as new transmission lines, telephone switching facilities, primary gas mains or pumping stations should be identified and located early. Other considerations include:

- a. Design roads and road rights-of-way to allow flexible offsets for utility trenches and other facilities such as transformers (i.e. provide additional spot “cut out” road dedication at transformer locations to facilitate counter poise installation). This will allow more flexibility to grade rights-of-way to match existing ground within the road rights-of-way, which will reduce physical impacts and provide easier servicing in hillside neighbourhoods.
- b. Where permitted, install conduit for telephone and cablevision in a common trench with minimal offset to hydro conduit. Bundle the conduit and stagger vault locations to reduce the width required for each utility. Installation of these services under sidewalks is permitted where this reduces the effective right-of-way required.
- c. For utility installation of the high side of the road where no sidewalk is present conduit could be installed based on final grading over the works with the surface grading upward from the back of the curb within the road right-of-way. Utility service and transformer boxes, which need to be accessible would require suitable grading and retaining structures.

3.4 BUILDINGS AND STRUCTURES

This section works to address the height, mass and setbacks of buildings on hillsides prior to the development of specific hillside zoning districts. This regulation is required in order to reduce slope disruption, minimize visual impact and avoid impinging on sight lines from neighbouring lots. Appendix B complements this section by offering suggestions on building design and architecture that complements hillside settings.

3.4.a Building Setbacks

Objective: To allow greater flexibility locating a building and reduce the visual massing effect.

Providing some flexibility in front and side yard setbacks can help to reduce the amount of cutting or filling required, and better support a level entry and presence of the house on the street. The Zoning Bylaw currently requires a minimum 5 m setback from the front property line and a minimum 1.5m side yard setback for most residential zones. On hillsides with narrow lots and large homes built to the minimum setback, this minimum creates a massing effect that “blurs” together the houses and significantly increases the negative visual appearance of hillside development. Allowing a lesser setback may reduce the need for cut/fill for driveways, create more street presence, and provide a more level entry. The following criteria should be considered:

- a. Any change in setbacks must enable off-street parking and utilizing the road right-of-way behind the curb or sidewalk to accommodate parking is appropriate.
- b. Side facing or setback garages are supported as a means to reduce excessive cut/fill, help to avoid hazardous slopes or sensitive areas, and enhance the neighbourhood. The front yard setback may be reduced to 3 m provided this is permitted in the statutory building scheme.

- c. Side yard setbacks should be the lesser of either 5 m or 30% of the lot width in total, and 1.2m minimum on each side for single storey and 1.5 m for 2 or more storey buildings.
- d. Due to placement of structural fill required to create down hill building pads and rear yards, there is a requirement to protect the structural slope by means of a covenant registered against the title of the lot. The covenant will prohibit re-grading of this area or construction of any improvements. Uphill lots also require a covenant to protect the top of cut provided during site development so as to not undermine uphill development or native slopes.

3.4.b Building Height and Mass

Objective: To avoid over height buildings and minimize the visual impact of new buildings on hillsides.

The Zoning Bylaw regulates the maximum height and mass of houses in most residential zones. Determining building height on hillsides has frequently resulted in two problems:

- house entries that are well below the road grade; or
- three-storey walls on the downhill side that create a dominating presence when viewed from down slope.

When dealing with height on hillsides, the following should be considered:

- a. Height of adjacent buildings should be considered and consistency maintained where possible.
- b. Overall height should be reduced for flat-roof buildings due to the wider size of the upper floor relative to that of peaked roofs.
- c. Limit perimeter walls to 2.5 storeys. This is required to limit the impact of down slope facades on neighbours. Any additional wall height should be set back at 2 horizontal to 1 vertical in order to have the house step uphill.
- d. Consider the use of a reduced front yard setback to resolve issues such as steep driveways.

Building mass refers to the prominence of a building on a hillside in relation to the site, other buildings, the street or views from offsite. The Zoning Bylaw stipulates maximum lot coverage for each residential zone which addresses building mass to some extent. The following provides additional guidance for hillsides:

- a. Respond to the natural slope of the hillside by using a stepped foundation and setting the building into the hillside to help integrate it with the natural landform.
- b. On downhill elevations, avoid the use of single plane walls that exceed one storey. Rather, step upper storeys back from the level below.
- c. Avoid large, unbroken expanses of wall and long building masses. Rather, design buildings with smaller or less massive building components articulating the building presence which better reflects the sloped character of the site.





SITE PLAN



EAST ELEVATION (SIDE)



SOUTH ELEVATION (FRONT)



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Ally Campbell
Planner II, Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: February 26, 2024
REPORT DATE: January 19, 2024
FILE: 3090-20 (DVP00618)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3411 34TH AVENUE

PURPOSE:

To present Development Variance Application 00618 (DVP00618) for Council's consideration to allow the construction of a detached carport at 3411 34th Avenue.

RECOMMENDATION:

THAT Council support a modified version of Development Variance Permit Application 00618 (DVP00618) by varying Zoning Bylaw 5000 for LT 11, BLK 35, DL 72, ODYD, PLAN 327 (3411 34th Avenue) as outlined in the report titled "Development Variance Permit Application for 3411 34th Avenue" dated January 19, 2024 and respectfully submitted by the Planner II, as follows:

- a) Section 10.3.6, to reduce the side yard setback from 2.0m (6.6ft) to 1.0m (3.3ft) to allow for the construction of a detached carport;

AND FURTHER, that Council's support of DVP00618 is subject to the following:

- i. That the development generally complies with an updated site plan and elevation drawings to be attached to and form part of DVP00618.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit 00618 (DVP00618) to vary Zoning Bylaw 5000 for LT 11, BLK 35, DL 72, ODYD, PLAN 327 (3411 34th Avenue) as outlined in the report titled "Development Variance Permit Application for 3411 34th Avenue" dated January 19, 2024 and respectfully submitted by the Planner II, as follows:

- a) Section 10.3.6, to reduce the side yard setback from 2.0m (6.6ft) to 0.5m (1.6ft) to allow for the construction of a detached carport.

Note: Alternative 1 would allow the owner to build the carport as applied for.

2. THAT Council not support Development Variance Permit Application 00618 (DVP00618) to vary Zoning Bylaw 5000 for LT 11, BLK 35, DL 72, ODYD, PLAN 327 (3411 34th Avenue) as outlined in the report titled "Development Variance Permit Application for 3411 34th Avenue" dated January 19, 2024 and respectfully submitted by the Planner II, as follows:

- a) Section 10.3.6, to reduce the side yard setback from 2.0m (6.6ft) to 0.5m (1.6ft) to allow for the construction of a detached carport.

Note: Alternative 2 would prohibit the owners from developing the carport on the property in this proposed location as the remaining setback width would be 2.77m, which is under the allowable bylaw standard.

ANALYSIS:

A. Committee Recommendations:

At its meeting of January 23, 2024, the Advisory Planning Committee passed the following resolution:

“That the Advisory Planning Committee recommends that Council....”

B. Rationale:

1. The subject property is located at 3411 34th Avenue and is approximately 413.26 m² (Figures 1 and 2). The property is zoned C3 – Mixed-Use Commercial.
2. Currently there is a single detached house located on site with an existing driveway on the east side of the house. Driveway access is from 34th Avenue (Attachment 1).
3. The owners are proposing to construct a detached carport on top of the driveway on the east side of the house as shown in Attachment 2.
4. The carport would allow for one standard vehicle parking space.
5. As per the BC Building Code, the carport is considered a structure. Structures within 1.2m (3.9ft) of a side property line require a 45 minute non-combustible fire rated wall.
6. To proceed with the proposed development, the owner requests a reduction in the side yard setback from 2.0m (6.6ft) to 0.5m (1.6ft). Administration does not support this request as a single detached carport can still be accommodated with a greater setback.
7. Administration does support a modified variance to 1.0m (3.3ft) as opposed to 0.5m (1.6ft) as requested, for the following reasons:

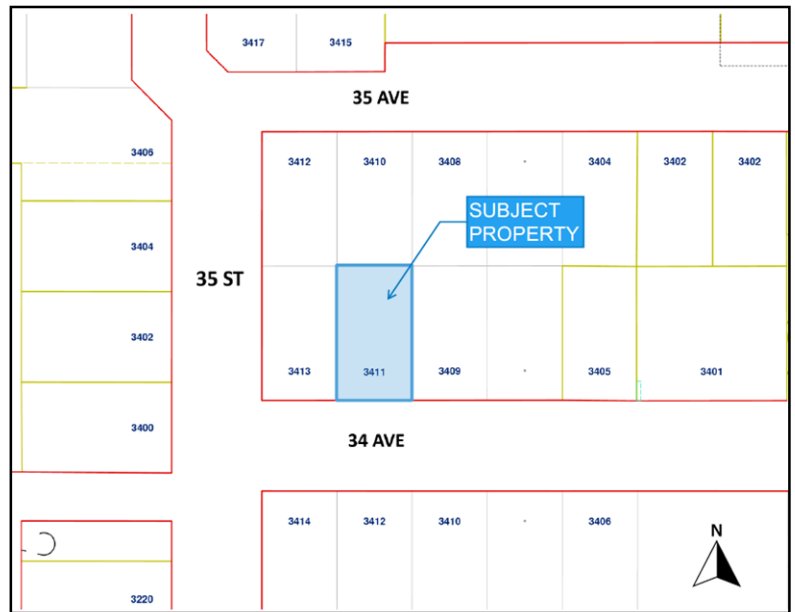


Figure 1 – Location Map

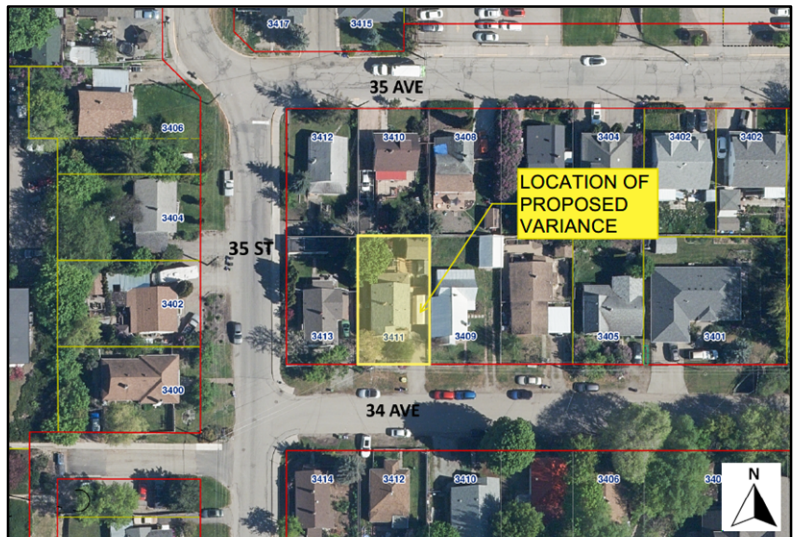


Figure 2 – Aerial Map

- a) This would provide a width of approximately 3.77m (12.4ft) within which to build a carport, which meets the bylaw standard for a single car parking space.
- b) In residential zones, a secondary building or structure is permitted to be setback a minimum of 1.0m from a side yard.
- c) The existing block does not have a rear lane so vehicular access is limited to 34th Avenue.
- d) The carport does not increase the impermeable surface coverage as the location has already been developed as a driveway.

C. Attachments:

Attachment 1: Photo of existing established driveway

Attachment 2: Site Plan and Elevations – Front (South) & Side (East)

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, C3 – Mixed Use Commercial Zone:
 - Section 10.3.6 Minimum side yard setback is 2.0m

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 _____
Ally Campbell
Planner II, Planning

Patricia Bridal, CAO

Date: _____

X _____
Terry Barton
Director, Planning and Community Services Division

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 Jan 23/24 | | |
| <input type="checkbox"/> OTHER: | | |

\\gw1\groups\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00618\2 PROC\Rpt\APC Report\240119_ac_APC_Rpt_DVP00618.docx