



CORPORATION OF THE CITY OF VERNON

BOARD OF VARIANCE

WEDNESDAY, SEPTEMBER 27, 2023, AT 3:00 PM

OKANAGAN LAKE ROOM (COUNCIL CHAMBER) CITY HALL

A G E N D A

1) CALL TO ORDER

2) LAND ACKNOWLEDGEMENT

As chair of the Board of Variance, and in the spirit of this gathering, we recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.

3) ADOPTION OF AGENDA

4) ADOPTION OF MINUTES

a) June 22, 2023 (attached)

5) APPEAL – BOV00075 – ADDRESS: 1701 41st Avenue

a) The applicant is requesting permission to allow a swimming pool be located within the front yard setback, and to vary the maximum fence height for their front yard along 41st Avenue.

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

vi. Close of Public Input

6) APPEAL – BOV00076 – Address: 2010 37th Avenue

a) The applicant is requesting permission to allow already constructed paved surfaces to remain, leaving a total coverage of 58.45% instead of the allowed 50% coverage.

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

7) **APPEAL – BOV00077 – Address: 7135 Tronson Road**

- a) The applicant is requesting permission to allow an already constructed shed to remain at its current location on the property.
 - v. Open of Public Input – Planning Department Representative
Applicant
Notified Public and others
 - vi. Close of Public Input

8) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE
BOARD OF VARIANCE**

HELD THURSDAY, JUNE 22, 2023

OKANAGAN LAKE ROOM (COUNCIL CHAMBERS) CITY HALL

PRESENT: **VOTING:**
Cam Karpiak
Reiner Stass
Teagan Seutter

GUESTS: David Robertson

ABSENT: Caren Walker
Daniel Schnick

STAFF: Matt Faucher, Planner
Jennifer Pounder, Committee Clerk

ORDER The meeting was called to order at 3:05 p.m.

**LAND
ACKNOWLEDGEMENT** *As Chair of the Board of Variance, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

**ADOPTION OF THE
AGENDA** THAT the agenda for the Board of Variance meeting of June 22, 2023 be adopted.

CARRIED

**ADOPTION OF THE
MINUTES** THAT the minutes from the Board of Variance meeting of February 24, 2023 be adopted.

CARRIED

**BOARD OF VARIANCE
APPLICATION FOR
PROPERTY LOCATED
AT 3609 36TH AVENUE
(BOV00068)**

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

The Chair called for input from the Applicant, any interested parties and Planning Department representative for BOV00068 – 3609 36th Avenue.

Representations were made by:

- Staff
- David Robertson, Applicant

The Board members discussed the application with the applicant, who provided a history of the project and siting details.

Moved by Member Karpiak, seconded by Member Stass:

‘BE IT RESOLVED’ that the Board of Variance **approve** the application submitted by the owners of 3609 36th Avenue to allow an existing fence located on top of a retaining wall with a combined height of 3m.

CARRIED

**BOARD OF VARIANCE
APPLICATION FOR
PROPERTY LOCATED
AT 3610 25TH AVENUE**

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

The Chair called for input from the Applicant, any interested parties and Planning Department representative for BOV0070 – 3610 25th Avenue.

Representations were made by:

- Staff

The applicant did not attend the meeting.

The Board discussed the application and posed questions to Staff. It was confirmed that permits are not required for fencing.

Moved by Member Karpiak, seconded by Member Seutter:

‘BE IT RESOLVED’ that the Board of Variance **approve** the application submitted by the owners of 3610 25th Avenue to allow

an existing over height fence with a height of 1.8m, as constructed.

CARRIED

ADJOURNMENT

The meeting of the Board of Variance adjourned at 3:23 p.m.

CERTIFIED CORRECT:

_____ Chair

INTERNAL M E M O R A N D U M

TO: Board of Variance Members

FILE: BOV00075

FROM: Ally Campbell, Planning Assistant
Matt Faucher, Planner

DATE: September 7, 2023

**SUBJECT: BOARD OF VARIANCE APPLICATION FOR 1701 41st AVENUE
(LT 10 SEC 2 TWP8 ODYD PL26255)**

The subject property, located at 1701 41st Avenue (Figures 1 and 2) is within the R5 – Fourplex Housing Residential zoning district (Attachment 1) of Zoning Bylaw 5000. The application requests to vary four provisions of Zoning Bylaw 5000 as follows:

1. Section 4.2.1 – Swimming pools shall not be located in a front yard or an exterior side yard;
2. Section 4.2.2 – Above ground swimming pools shall meet the siting requirements of secondary buildings;
3. Section 4.5.9. Secondary buildings and structures shall not be located on an interior lot as follows:
 - A secondary building shall not be located closer than 18.0m to the front lot line unless it complies with the side yard requirements for a primary building

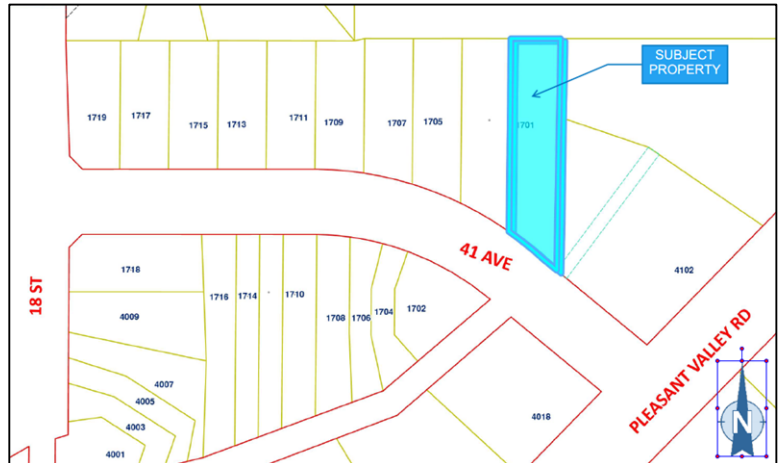


Figure 1: Property Location



Figure 2: Aerial Photo

4. Section 6.5.1 (i) Maximum height of a fence along the lot lines within front yard setbacks from 1.2m (4.0ft) to 1.82m (6.0ft) to accommodate an over height fence to provide security and privacy for the residents of the project.

The applicant has requested a variance to the location of the swimming pool due to the primary building being located closer to the rear property line creating a large front yard and a small rear yard which would not accommodate the swimming pool.

The applicant has also requested a variance to the maximum fence height regulation along the front yard based on privacy and security for their front yard area along 41st Avenue.

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

Should the Board decide to approve the application, a swimming pool would be permitted to be located within the front yard setback and the fence would be permitted to be built to 1.82m (6.0ft) along the front property line fronting 41st Avenue.

Should the Board decide to decline the application, the swimming pool would not be permitted in the front yard and the fence would not be permitted to be built at 1.82m and would require modification to meet bylaw requirements.

Respectfully submitted,

Ally Campbell, Planning Assistant
Matt Faucher, Planner

Attachment 1 – Zoning Bylaw 5000
Attachment 2 – Support Information Provided by Applicant

4.2 Swimming Pools

4.2.1 Swimming pools shall not be located in a **front yard** or an exterior **side yard**.

4.2.2 Above ground swimming pools shall meet the siting requirements of **secondary buildings**.

4.2.3 At grade swimming pools shall be located a minimum of 0.9m from **side lot line** and **rear lot line** and 1.5m from any **street**. Notwithstanding any other provision of this Bylaw, no **building** or part thereof shall be constructed, reconstructed, altered, moved, or extended, nor shall any **mobile home** or at grade swimming pool be located within 7.5m of the **natural boundary** of Lake Okanagan or stream as specified by the *Official Community Plan 2008* or any bylaw replacing same.

4.2.4 Fencing around swimming pools shall be in accordance with the *City of Vernon Building & Plumbing Bylaw No. 4900*, as amended.

4.3 Yards

4.3.1 A part of a **lot** reserved as a yard shall not be deemed to form part of any **abutting lot** for the purpose of computing the area available for **building** purposes or any other purpose.

4.3.2 Where a **lot** which is not a **corner lot** has frontage on more than one **street**, any **building**, **structure** or **secondary building** shall be located on such **lot** to maintain a **front yard** on each **street** frontage so as to be consistent with the predominant **front yard** setback in the block.

4.3.3 In the case of a **corner lot**, the **front yard** shall be the narrower of the two frontages.

4.4 Projections into Yards

4.4.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, **bay windows**, a cantilevered section of a **building**, portions of a building on a foundation or ornamental features may project into a required **yard** provided such projections do not exceed 0.6m. The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line, measured from the front to the rear of the **building**, not including **decks**,

Secondary buildings in Non-Residential Zones

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

Secondary buildings in Residential Zones

- 4.5.4 **Secondary buildings** or **structures**, excluding **fences**, are not permitted in a **front yard**.
- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite** in which case the Conditions of Use pertaining to Secondary Suites in Section 5.5 shall apply. (*Bylaw 5851*).
- 4.5.6 A **secondary building** or **structure** shall not exceed 4.5m in **height** unless specified otherwise in the **development** regulations of a particular **zone** or unless it is a **Secondary Suite** in which case Section 5.5 shall apply. (*Bylaw 5851*).
- 4.5.7 **Lot** coverage of **secondary buildings** or **structures** shall not exceed 14% or a maximum area of 90m² for **secondary buildings** in the residential **zones**.
- 4.5.8 There shall be at least 2.0 m spatial separation between a **secondary building** and a primary **building**.

4.5.9 **Secondary buildings** and **structures** shall be located on an **interior lot** as follows:

- a **secondary building** shall not be located closer than 18.0m to the **front lot line** unless it complies with the **side yard** requirements for a **primary building**;
- a **secondary building** shall be located not less than 1.0m from the **side lot line** or shall be unrestricted where the **secondary building** does not exceed the permitted **fence height**,
- a **secondary building** housing a **secondary suite** shall have the same **side yard** requirements as for the primary **building** in that **zone**.
- mechanical equipment shall be located to comply with the **side yard** for the primary **building**.

6.4 Urban Plazas

- 6.4.1 Urban plazas, when permitted pursuant to Section 6.6, must be solely for pedestrian **use** and accessible to the public from both the **street** and from the **development**.
- 6.4.2 The minimum plaza **street** frontage is 6.0m.
- 6.4.3 The minimum plaza depth is 4.0m.
- 6.4.4 For any urban plazas in lieu of a **landscape buffer**, the following are minimum requirements:
- all **hard surface** areas shall **use** a decorative paving surface;
 - a minimum of two benches for public seating shall be provided;
 - a minimum of 3 trees, with a minimum 65mm **caliper** and rootball of 900mm, shall be provided; and,
 - pedestrian and decorative lighting must be provided.

6.5 Fencing and Retaining Walls

- 6.5.1 Subject to traffic sight lines, the following **height** limitations shall apply to **fences**, walls, chainlink **fences** and hedges in all **Residential zones**:
- i) 1.2m (4.0ft) if situated along the **lot lines** within **front yard setbacks**;
 - ii) 2.0m (6.4ft) if situated behind the **front yard setback**;
 - iii) 2.0m (6.4ft) if situated along the interior and exterior and/or **rear yard**.
- 6.5.2 Screen **fences** shall be consistent with the quality of **building** design and materials of the primary **building**.
- 6.5.3 Screening **fences** required for outdoor storage areas for temporary shelters shall be a combination of opaque and translucent or lattice design to ensure nature surveillance is permitted into the space. Screen **fences** and walls shall complement **building** design and materials. *(Bylaw 5788)*
- 6.5.4 Fencing type may be established in neighbourhood plans, building schemes or by precedent from **adjacent** properties.
- 6.5.5 Wood **fences** shall be designed to a high level of finish with materials of lumber grade standard or better. Wood posts shall be treated against rotting to provide for the longevity of the **fence**. **Fences** shall be constructed with all components of sufficient size, materials, and strength

Silvia Malova
1701-41 Avenue
Vernon BC, V1T 7M8

March 3rd, 2023

City of Vernon
Community Development Department

RE: Board of Variance Application for 1701-41 Avenue

Dear Board,

I am writing to request the permission to vary the following bylaw:

- **4.2.1 Swimming pools shall not be located in a front yard or an exterior side yard.**
- **4.2.2 Above ground swimming pools shall meet the siting requirements of secondary buildings.**
- **4.5.9 Secondary buildings and structures shall be located on an interior lot as follows:**
 - **a secondary building shall not be located closer than 18.0m to the front lot line unless it complies with the side yard requirements for a primary building**
- **6.5.1.i) max fence height in the front yard is 1.2m (4'-0")**

As you can see from the attached site plan, the location of the primary building is inconveniently located towards the rear of the yard, which makes it inordinately difficult for our family to make reasonable use of our property and still obey the bylaw.

Hardship for our particular property is that our front yard is clearly bigger than then the rear yard and this makes it difficult to place a pool in without needing a Variance.

The front yard is 21 meters long on the shorter side of the yard (west side) and 30 meters long on the longer (east) side of the property where we placed existing paving stone footpath leading to our house and raised garden bed. This makes it impossible to place the pool more than 18m away from the front lot line.

Our family loves to enjoy our time outdoors. The majority of the time we spent on our yard is in the front yard where we have a patio (built before we purchased the property) and raised garden bed. We feel that we are significantly losing our privacy and are restricted to fully enjoy the front yard due to missing privacy fence on our front yard.

Effect on the neighbors:

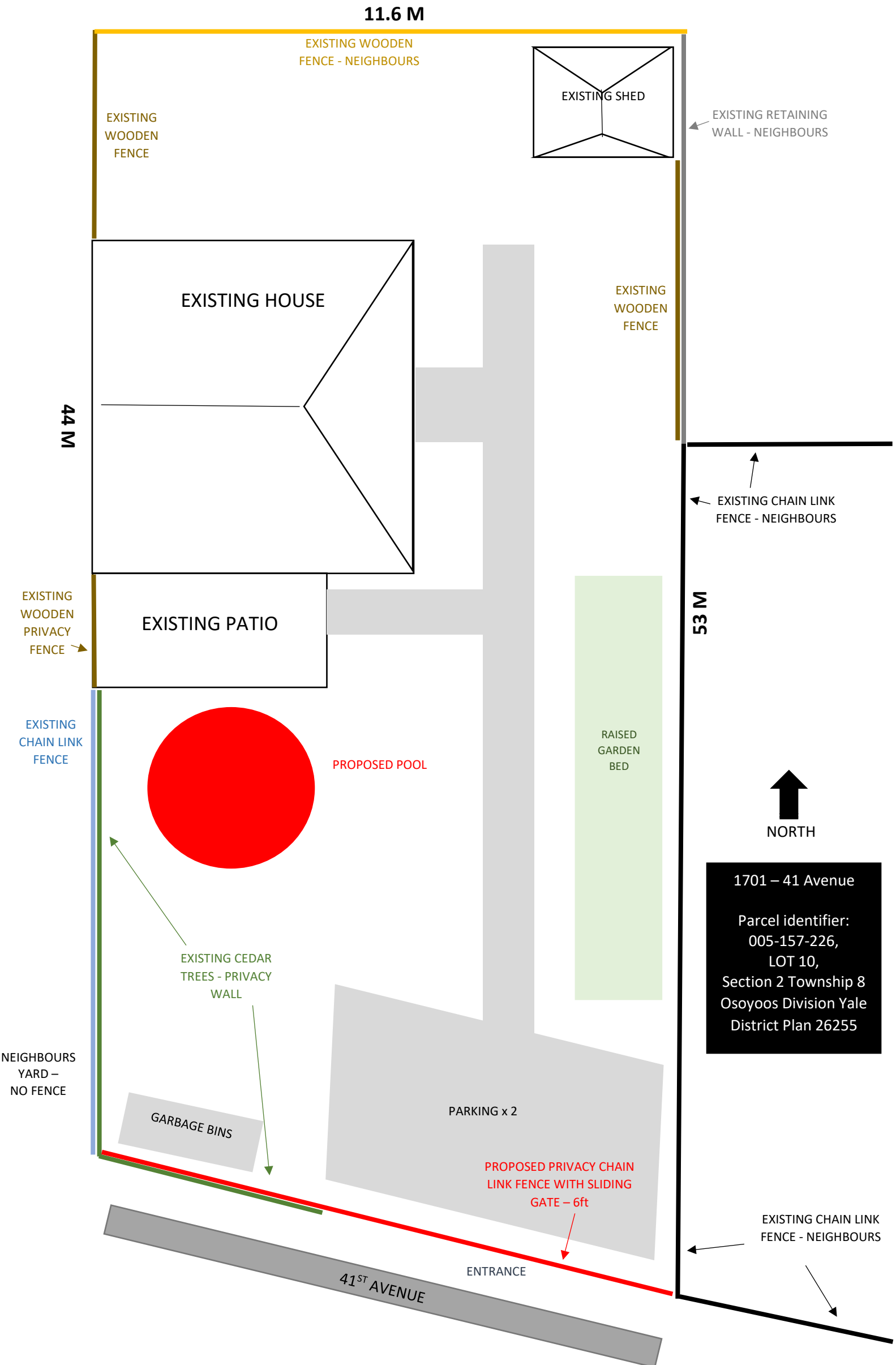
East side neighbors: Due to the existing chain link our neighbors have (location of our front yard is considered a side yard on their property); and the hill next to the chain link fence, they don't really see on our yard so this should not affect them.

West side neighbors: They have a patio on the side yard of their property and they use their front yard solely for parking space. There is also a privacy cedar shrub line between our properties so again, there should be no effect on how they use their property.

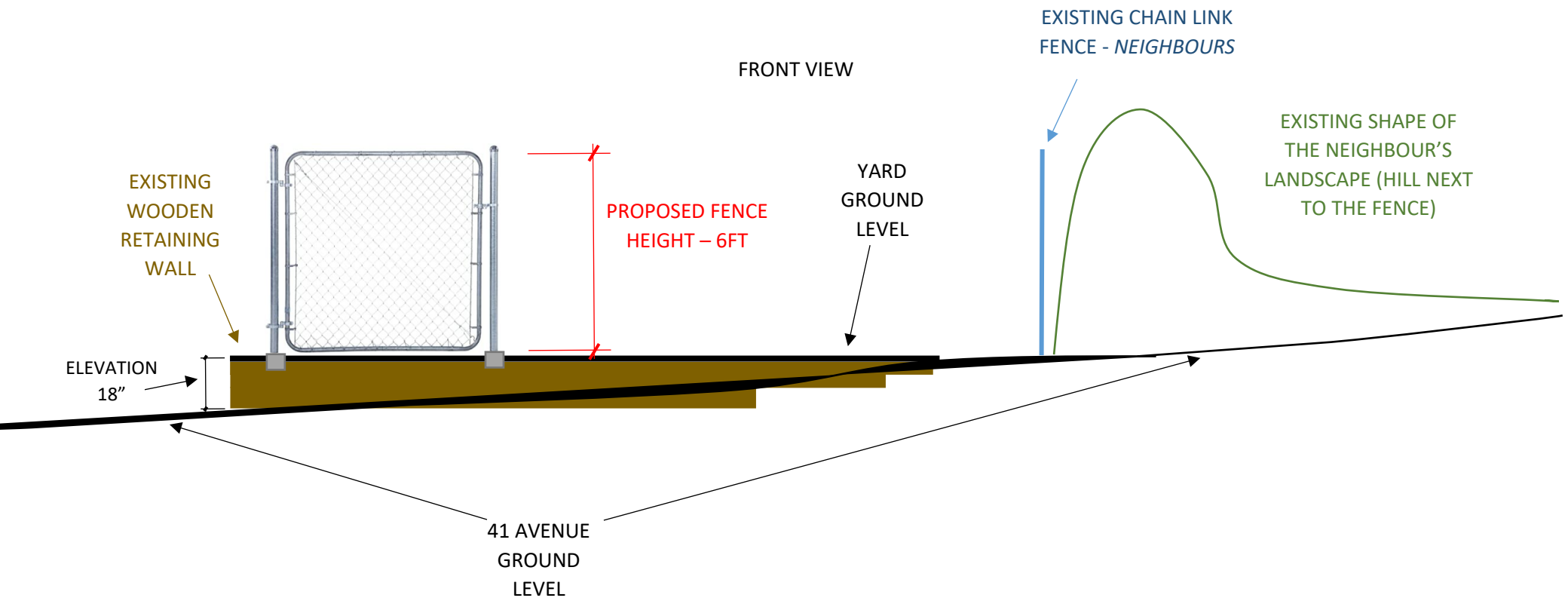
The rest of the 41 Avenue – we have never seen anyone on the street to use their front yard for their leisure so I do not believe our 6ft fence or the pool on the front yard would affect them in any way.

Thank you for your time and consideration of my request.

SITE PLAN



OVERHEIGHT FENCE ELEVATION DRAWING



INTERNAL MEMORANDUM

TO: Board of Variance Members

FILE: BOV00076

FROM: Ally Campbell, Planning Assistant
Matt Faucher, Planner

DATE: September 7, 2023

SUBJECT: **BOARD OF VARIANCE APPLICATION FOR 2010 37 AVENUE (LT 3 PL EPP100179 SEC 2 TWP 8 ODYD)**

The subject property, located at 2010 37 Avenue (Figure 1 and 2), is within the R4 – Small Lot Residential zoning district (Attachment 1) of Zoning Bylaw 5000.

The application requests to vary section 9.5.5 the maximum impermeable surface area from 50% to 58.45% to allow for the existing impermeable construction to remain on site.

After the completion of Building Permit (BP007936), the owner added additional paved surfaces to help with water runoff on the property.

The additional paving area on the west side of the home is to allow water to flow towards the catch basin located at the front of the property.

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

Should the Board decide to approve the application, the impermeable surface would be permitted to remain at the increased area of 58.45% of the Lot Size.

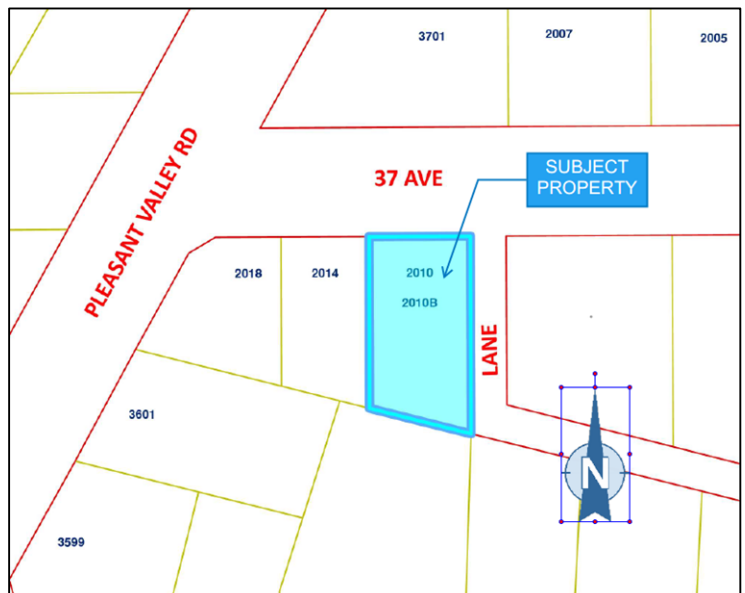


Figure 1: Property Location



Figure 2: Aerial Photo

Should the Board decide to decline the application, the additional impermeable surface area would require modification to meet the bylaw requirement of 50% impermeable surface area.

Respectfully submitted,

Ally Campbell, Planning Assistant
Matt Faucher, Planner

Attachment 1 – Zoning Bylaw 5000
Attachment 2 – Supporting Informtaion Provided by Applicant

9.5 R4 : Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

9.5.2 Primary Uses

- **care centre, major** *(use is only permitted with the R4c sub-zoning district)*
- **single detached housing**
- **semi-detached housing** *(Bylaw 5715)*

9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** *(in single detached housing only) (Bylaw 5498)*
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** *(use is only permitted with the R4h sub-zoning district)*
- **secondary suites (in single detached housing only)**

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 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 structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m 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.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- 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**. 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.

Background on 2010 37th Ave.

To whom it may concern:

- Feb, 2023 Bylaw was contacted by 2006 37th Ave in regards to the lot coverage of my home at 2010 37th Ave. This call by 2006 37th Ave was retribution for Bylaw being called about his landscaping company's operation at this residence.

Impermeable surface coverage

- During the course of construction we discovered that our access to the City storm being located in the centre of the lot of 37th Ave, rather than at the lowest north east corner of the lot, meant the loss of 24" of gravity drop. This loss would mean the water drainage on the west side of my home would have to be controlled.

- The use of some kind of sump pump was not considered, as during a storm event power outages are not uncommon. Instead a simple large gutter system was installed.

- What appears to look like a walkway (walkway #3) on the west side of my house is in fact a large gutter, the concrete is sloped away from the foundation to capture and collect all water to the drains. The water is then brought to the perforated catch basin located in my front landscaping. This catch basin was installed on 18" of ¾ crush to allow for slow drainage into the soil. If in the event of extreme rain or water main flood, the catch basin would retain 20" (300L) of water before being released to the City storm.

- Walkway #2 has 12"x 6" of 2" drain rock installed on west side, preventing any water from leaving the property.

- The water captured by the patio in my rear yard is 100% captured by my lawn.

- I have also been able to capture a major portion of my roof water on west side of my building by bringing the downspout into the catch basin.

The lot coverage bylaw's intention is to prevent the City's storm from being overwhelmed by uncontrolled water being released by impermeable surfaces. I have been able to use these impermeable surfaces significantly reduce the percentage of uncontrolled surface water entering the City's storm and prevent damage to my property in this design.

I ask for the support of this committee in my variance request.

Respectfully: [REDACTED]

DATA SHEET

LOT 3, PLAN EPP100179,

SEC 2, TP 8, ODYD

RESIDENTIAL SMALL LOT R4

Lot Size 526.63 SQ.M

MAX BUILDING COVERAGE 40% (Allowable)

MAX IMPERMEABLE SURFACE COVERAGE 50% (Allowable)

Property coverage

Building - 197.90 SQ.M 37.57% (Existing)

Impermeable surface coverage

Walkway #1 7.88 SQ.M

Walkway #2 5.68 SQ.M

Walkway #3 20.25 SQ.M

Driveway 12.26 SQ.M

Patio 23.96 SQ.M

Shed 7.43 SQ.M

Pavers 8.33 SQ.M

Covered Deck 16.13 SQ.M

Covered Patio 8.02 SQ.M

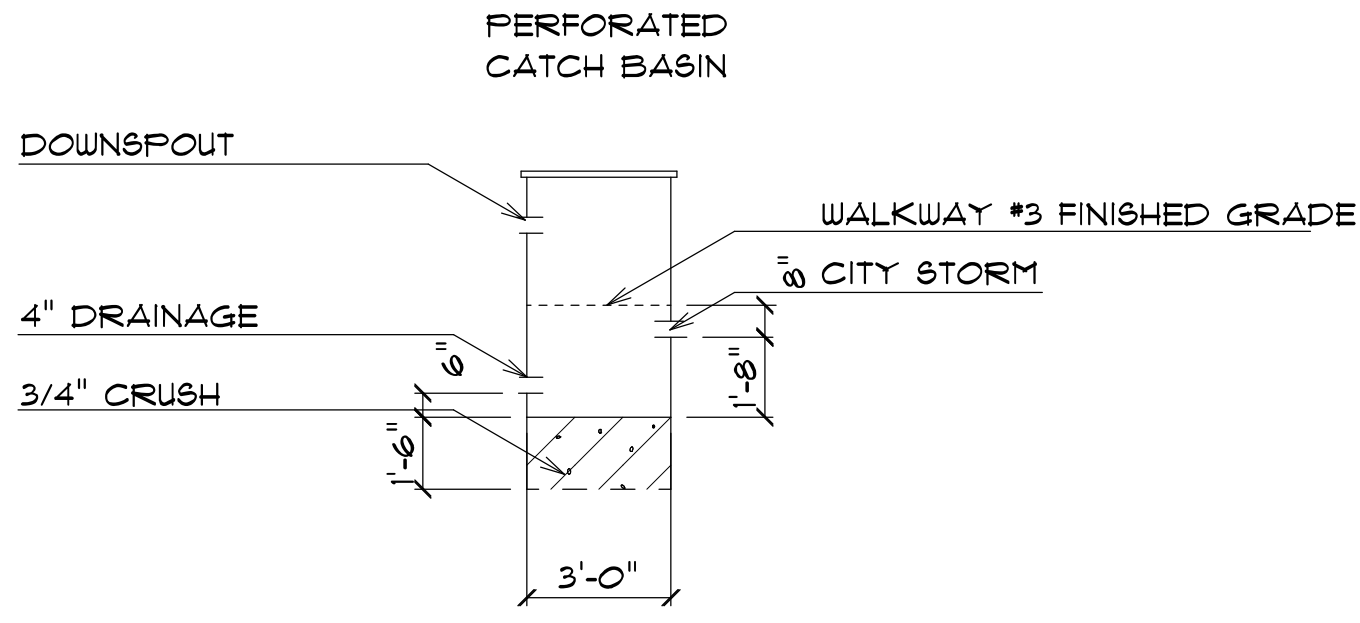
Total: 109.94 SQ.M

Building 197.90 SQ.M

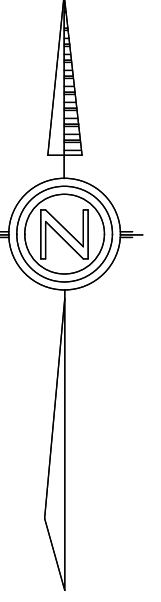
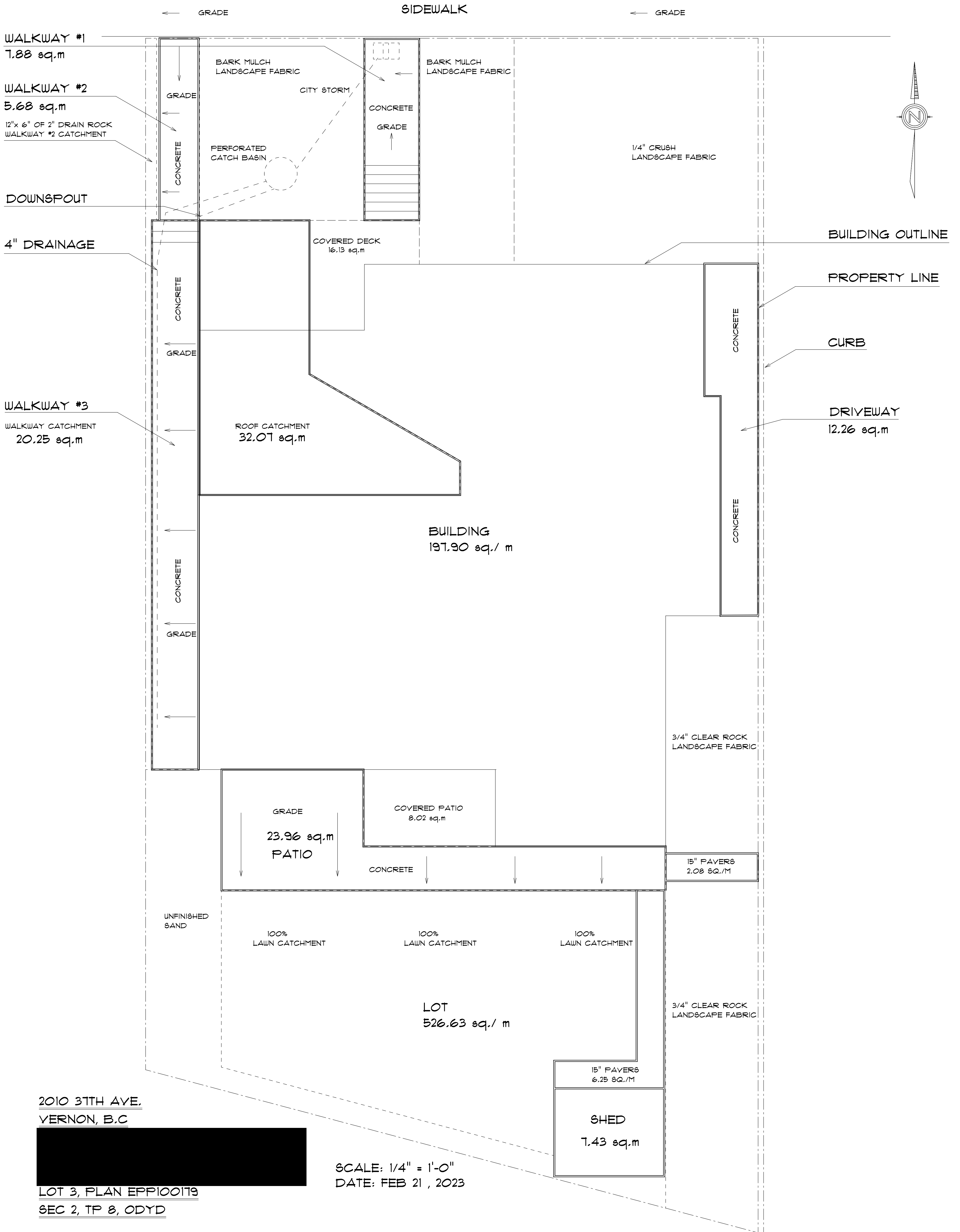
Max coverage 307.84 SQ.M 58.45% (Proposing/Existing)



DETAIL



37th ave.



INTERNAL MEMORANDU

TO: Board of Variance Members

FILE: BOV00077

FROM: Ally Campbell, Planning Assistant
Matt Faucher, Planner

DATE: September 7, 2023

SUBJECT: BOARD OF VARIANCE APPLICATION FOR 7135 TRONSON ROAD (LT 2 PL KAP47176 DL 67 ODYD)

The subject property, located at 7135 Tronson Road (Figure 1 and 2), is within the R2 – Large Lot Residential zoning district (Attachment 1) of Zoning Bylaw 5000. The property is technically a doubling fronting lot, with Tronson Road to the south west of the property and an unbuilt road, unnamed, to the north east of the property as seen in Figure 2 (Aerial Photo).

In July of 2016 a Building Permit (BP005897) was issued for a Secondary Building (Shed), 28’ long by 20’ wide and 12’ in height. An oversight occurred during the review of the Secondary Building plans and the following non-conforming provisions were approved:

- The Secondary Building was permitted in a front yard setback facing the unbuilt road. 5.0m from the property line is required, and 2.0m was allowed.

The applicant began construction of the Shed and during construction a land survey, dated the 26th Day of October 2016, was completed by: Russell Shortt (Attachment 2) illustrating that the siting of the Shed was not built in accordance with the approved drawings (BP005897). Construction was required to Stop and the applicant was requested to apply for a Variance to keep the Shed in its current location.

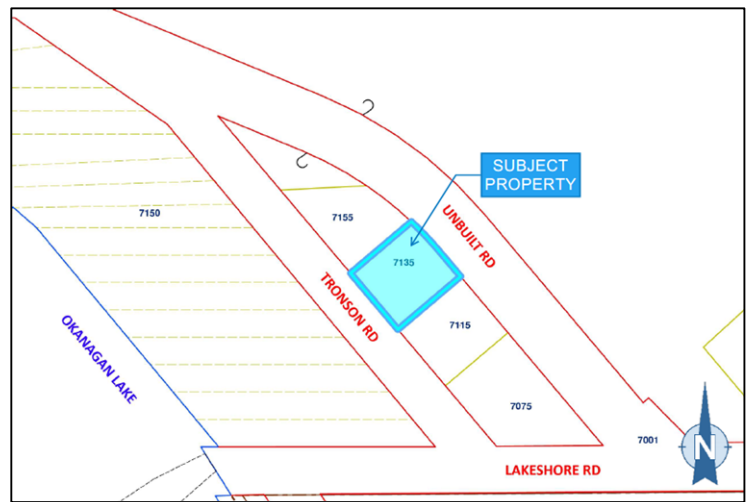


Figure 1: Property Location



Figure 2: Aerial Photo

The application requests to vary five provisions of Zoning bylaw 5000 as follows:

1. Vary Section 4.5.4 secondary buildings or structures, excluding fences, are not permitted in a front yard.
2. Vary Section 4.5.8 spatial separation between a secondary building and a primary building from 2.0m to 1.51m
3. Vary Section 4.5.9 secondary building and structures shall be located on an interior lot as follows:
 - A secondary building shall not be located closer than 18.0m to the front lot line unless it complies with the side yard requirements for a primary building
4. Vary Section 4.5.11 a secondary building or structure, excluding fences, on any through lot shall be sited as if a front yard is required on both lot lines abutting streets.
5. Vary Section 9.3.5 minimum front yard for a secondary building from 5.0m to .92m

The applicant is requesting the Shed be authorized to remain in its current location, based on an incorrectly approved permit, a double fronting lot configuration, and financial considerations.

Information provided by the applicant is attached (Attachment 3) for the Board's consideration in reviewing this application.

Should the Board decide to approve the application, the applicant would be permitted to continue construction on the Shed under Building Permit BP005897 with the setbacks illustrated on the Land Survey.

Should the Board decide to decline the application, the applicant would need remove the current construction and alter the Building Permit BP005897 for the Shed to achieve the bylaw compliance.

Respectfully submitted,

Ally Campbell, Planning Assistant
Matt Faucher, Planner

Attachment 1 – Zoning Bylaw #5000

Attachment 2 – Land Survey Submitted By; Russell Shortt, dated October 26, 2016

Attachment 3 – Support Information Provided by Applicant

Secondary buildings in Non-Residential Zones

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

Secondary buildings in Residential Zones

- 4.5.4 **Secondary buildings** or **structures**, excluding **fences**, are not permitted in a **front yard**.
- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite** in which case the Conditions of Use pertaining to Secondary Suites in Section 5.5 shall apply. (*Bylaw 5851*).
- 4.5.6 A **secondary building** or **structure** shall not exceed 4.5m in **height** unless specified otherwise in the **development** regulations of a particular **zone** or unless it is a **Secondary Suite** in which case Section 5.5 shall apply. (*Bylaw 5851*).
- 4.5.7 **Lot** coverage of **secondary buildings** or **structures** shall not exceed 14% or a maximum area of 90m² for **secondary buildings** in the residential **zones**.
- 4.5.8 There shall be at least 2.0 m spatial separation between a **secondary building** and a primary **building**.
- 4.5.9 **Secondary buildings** and **structures** shall be located on an **interior lot** as follows:
- a **secondary building** shall not be located closer than 18.0m to the **front lot line** unless it complies with the **side yard** requirements for a **primary building**;
 - a **secondary building** shall be located not less than 1.0m from the **side lot line** or shall be unrestricted where the **secondary building** does not exceed the permitted **fence height**,
 - a **secondary building** housing a **secondary suite** shall have the same **side yard** requirements as for the primary **building** in that **zone**.
 - mechanical equipment shall be located to comply with the **side yard** for the primary **building**.

Secondary buildings on Corner and Through Sites

4.5.10 In addition to the provisions of Section 4.5.8, the distance between a **secondary building** and the **side lot line abutting a flanking street**, shall not be less than the **side yard** required for the primary **building**.

4.5.11 A **secondary building or structure**, excluding **fences**, on any through lot shall be sited as if a **front yard** is required on both **lot lines abutting streets**.

Storage Containers

4.5.12 **Storage containers** to be placed on a property must be sited with a minimum **side yard** of 1.5m, except it is 3.0m for exterior **side yards; rear yard** of 2.0m; and **front yard** of 3.0m. No person shall authorize or place a **storage container** on a **residential** zoned property for a duration greater than 30 days per calendar year. **Storage containers** to be placed on an **agricultural, commercial, institutional, or industrial** zoned property for a duration greater than 30 days per calendar year shall be screened from view of any **street or lane** and from **adjacent** properties.

4.6 Height and Grade

Buildings and Structures

4.6.1 In determining whether a **development** conforms to the maximum **height** permitted in any **zone**, **structures** such as **antennae**, chimney stacks, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the **height**.

4.6.2 In determining the height of a building the building grade on the tallest building elevation is to be utilized. The maximum height is not to exceed the maximum height as provided in the zone. For the purpose of determining number of storeys, walk out basements shall be considered a half storey. Where access is required through, and is limited to a **lane** the yard abutting the **lane** may be considered the **front yard**. (Bylaw 5440)

4.6.3 Where the width of the dormer or dormers exceeds 50% of the width of the roof on which they are located, the **height** of the building will be

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

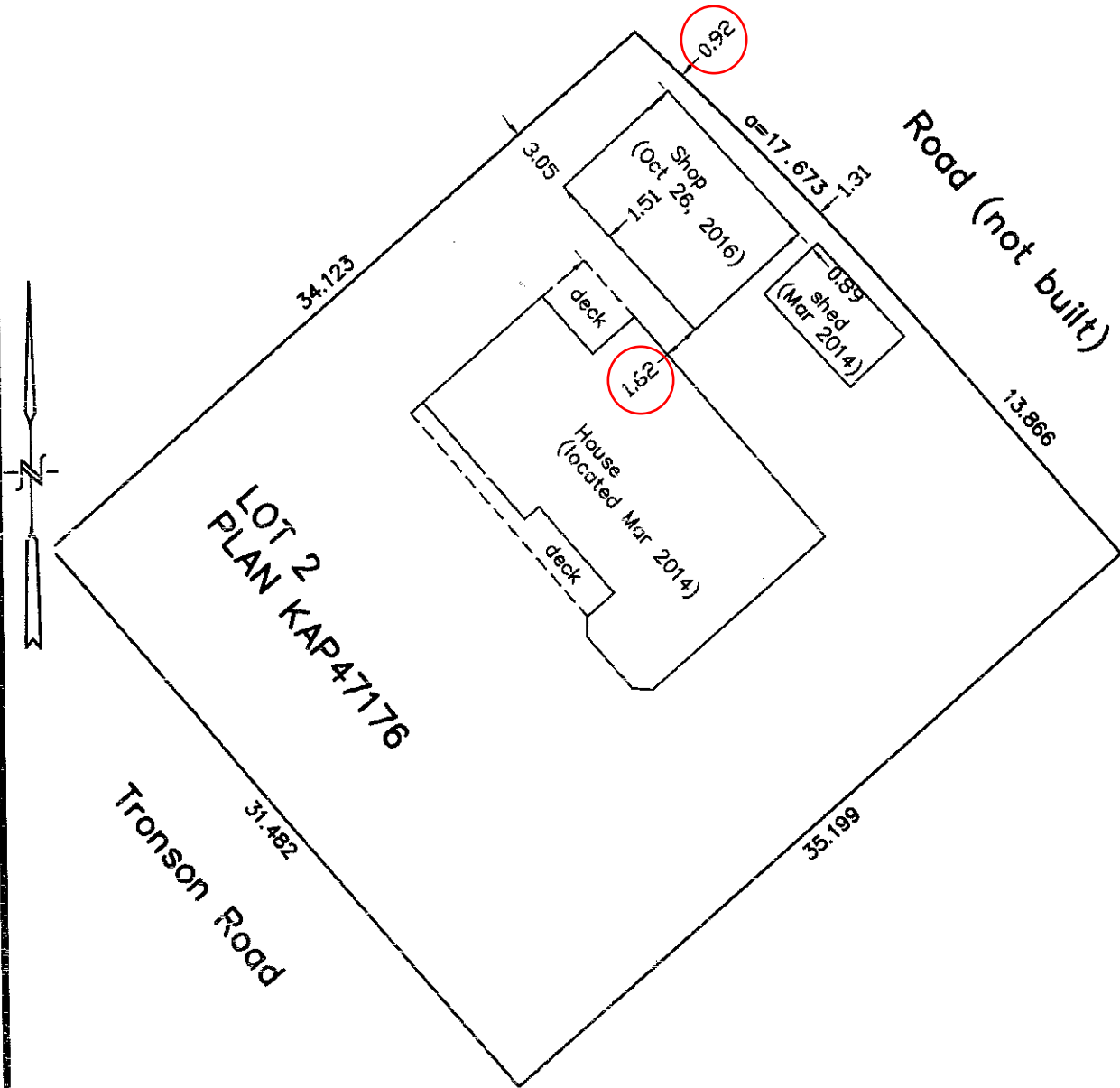
- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is 10.0m, except it is 4.5m for **secondary buildings** and **secondary structures**.
- **Minimum front yard is 5.0m.**
- Minimum **side yard** is 1.5m, 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**.

B.C. Land Surveyor's Building Location Certificate
PLAN SHOWING BUILDING ON
LOT 2, DL 67, ODYD, PLAN KAP47176

SCALE 1: 300 (ALL DISTANCES IN METRES) 0m 6m 12m 18m 24m
PID 017-781-388 7135 TRONSON ROAD, VERNON



THIS PLAN IS PREPARED FOR THE USE OF
LEDINSKI ONLY AND
SHOWS THE RELATIVE LOCATION OF SURVEYED
FEATURES WITH RESPECT TO THE BOUNDARIES
OF THE PARCEL DESCRIBED ABOVE. THIS
DOCUMENT SHALL NOT BE USED TO DEFINE
PROPERTY LINES OR PROPERTY CORNERS.

DERIVED FROM FIELD SURVEY.

FILE No. 27454

F.B. 1223

Pg. 74

russell shortt


land SURVEYORS

2801-32nd Street, Vernon, B.C. Phone 545-0511
vea FAX: 545-2741

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THIS BUILDING LOCATION CERTIFICATE HAS BEEN PREPARED IN
ACCORDANCE WITH THE MANUAL STANDARD OF PRACTICE AND
IS CERTIFIED CORRECT THIS 26th DAY OF OCTOBER, 2016.


J.R. SHORTT B.C.L.S.
(INVALID IF NOT ORIGINALLY SIGNED AND SEALED)

RECEIVED NOV 17 2017 8P5897

Megan Fyfe

From: [REDACTED]
Sent: Thursday, May 11, 2023 1:37 AM
To: Megan Fyfe
Subject: Explanatory requested information regarding variance permit for 7135 Tronson Rd., Vernon BC

Dear Megan Fyfe:

Please find herein the information you requested in your telephone call to me on May 10, 2023 which I understand is a for the granting of the variance and swimming pool permit to go forward for final approval at 7135 Tronson Rd., Vernon, BC, by the City Of Vernon planning committee members.

Attention, Megan Fyfe and City Of Vernon Planning Committee :

Please be aware this is one of a number of submissions over a lengthy period of documenting, informing and explaining why it is necessary that I please be granted a variance for the 20' x 28' shed at the back of the property at 7135 Tronson Road in Vernon, British, Columbia.

In June 2016 I applied and paid for the necessary required City of Vernon permit, inspections and requirements to qualify for the construction of the shed as described above.

The qualified designated City Of Vernon, inspectors attended on three occasions in accordance with all City of vernon requirements as the building was under various stages of progression during construction.

Upon completion of the inspection, each time they gave formal approval to continue with the progression of completing the foundation, the framing and finally roofing of the said shed.

Many months later I was informed the inspectors had made errors, and that the building did not meet with the City Vernon approval/requirements in relation to its position on the property as noted below:

- To vary section 9.3.5 of Zoning Bylaw #5000 – minimum front yard from 5.0m to 0.92m
- To vary section 4.5.8 of Zoning Bylaw #5000 – spatial separation between a secondary building and a primary building from 2.0m to 1.51m

In written and telephone communications initially with Lynn Preslabor and other consulted city staff employees over a lengthy period of time I made continued inquiries, submissions and requests that were documented, reviewed and left with the designated city staff for approval.

Throughout the months in 2023 the initial highlighting and taking responsibility for this unfortunate situation has been somewhat disappointing, frustrating and unsettling.

However recently I have been encouraged as it is my understanding to date regarding this matter Mr. Henry Belcombe has turned this matter over to the planning committee/(department) and Megan Fyfe will submit my “extensive documented” application for the necessary variance to the designated City of Vernon planning dignitaries who will proceed with approving the required variance at their earliest convenience, with no cost to me as I originally paid all the required fees to the city, and the error had nothing to do with any form of negligence on my part but was an internal error made by the city inspectors who were employed by the City Of Vernon at that time.

Please understand as a side issue this required variance became a highlighted matter when my swimming pool was compromised by a drainage problem, which undermined a portion of the swimming pool wall. Upon attempting to do reconstruction of the pool it was advised by a Geotech and the contractor that it would be best to relocate the swimming pool. Therefore, it became necessary in the eyes of a city inspector that a permit would be necessary prior to going forward with the new location of the swimming pool. When I applied for this permit, the matter of requiring a variance as described above, became the issue at hand.

It has now been over two years since I started trying to have the swimming pool restored at 7135 Tronson Road, Vernon, BC

Please do not hesitate to call me directly at your earliest convenience at:

[REDACTED]

should you have any questions or concerns regarding this highly pertinent matter.

I trust you may appreciate that I have remained patient and will certainly congratulate your staff for cooperating to their utmost while doing everything possible at their very earliest convenience to please speed this process up as much as is humanly possible so that I could once again enjoy having my property restored to a satisfactory usable condition.

As always,

[REDACTED]

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