



**THE CITY OF VERNON
PLANNING & COMMUNITY SERVICES REPORT
MINOR DEVELOPMENT VARIANCE PERMIT**

Application No.:	DVP00658	OCP Designation:	RLD – Residential Low Density
Report Date:	November 12, 2024	Zoning:	MUA – Multi-Unit Acreage: Small Scale
Location:	1-45 100 Palmer Rd	Property Size:	17,185 m ²

PROPOSAL

The applicant proposes to increase the maximum permitted height for a fence within a front yard setback.

DEVIATION FROM BYLAWS

To vary Section 6.5.1.1 of the Zoning Bylaw to increase the maximum height for a fence within a front yard setback from 1.2 m (4 ft) to 2.0 m (6 ft).

RECOMMENDATION SUMMARY

To deny the permit as proposed.

PUBLIC NOTIFICATION

The applicant has provided a signed affidavit confirming they completed public notification requirements on October 25, 2024. No responses from neighboring properties have been received as of the date of this report.

BASIS FOR RECOMMENDATION

Staff have evaluated the “Delegated Minor DVP – Issuance Guidelines” and have determined that the proposed permit should not be issued based on Guidelines 7 and 8 (Attachment 1).

The subject property is located in the Okanagan Landing North neighborhood, bordered by a strata development to the west, single-detached housing to the north, agricultural land reserve to the east, and Priest’s Valley 6 to the south (see Figures 1 & 2). Current land use on the subject property includes a 45-unit strata development and associated internal strata roads constructed in 2005.

The applicant engaged the City of Vernon FireSmart Coordinator to conduct a FireSmart Assessment on April 14, 2024. The assessment recommended removing all cedar hedges on the property to reduce combustible materials in a fire event. Between April and July 2024, City staff clarified that the applicant could remove the cedars and replace them with a fence and planting pockets at any time, however, should they wish to construct

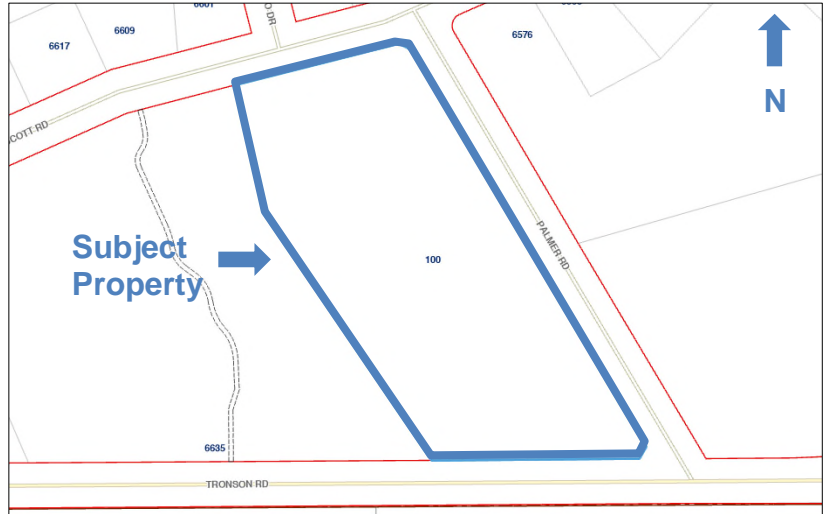


Figure 1 – Location



Figure 2 – Aerial

a fence taller than what the bylaw allows they would have to apply for a Development Variance Permit to determine supportability (see Figure 3). The permit application was submitted on September 11, 2024.

The applicant proposes to replace the hedges bordering the subject property with a combination of 2.0 m (6 ft) tall fencing and planting pockets. The proposed fence is to be constructed of vinyl material with vertical slats (Attachment 2). The applicant has provided a rationale letter noting the intention behind this request is to align with FireSmart and WaterWise guidelines. They offered further rationale that the variance will enhance privacy for units who back onto Scott Road, reduce noise between the strata and roadways, decrease theft potential, prevent animal intrusion, and prevent litter from entering yards.

Staff have reviewed this proposal and do not recommend support for the following reasons:

- Section 6.6 of the Zoning Bylaw establishes a 1.2 m (4.0 ft) maximum height requirement for fences within front yard setbacks. The intention behind this requirement is to promote adequate connectivity between public and private space. Higher fences visible from public sidewalks become dominant structures, creating significant visual barriers and negatively impacting the public experience. Lower fences create a more welcoming environment while improving sightlines for overall neighbourhood surveillance and connectivity.
- Section 28.3 of the Official Community Plan notes that site design is to incorporate Crime Prevention Through Environmental Design (CPTED) principles. These principles aim to reduce crime opportunities and enhance feelings of safety within the community. Specifically, CPTED emphasizes natural surveillance and the importance of ongoing maintenance, both of which are supported by strong connectivity between the strata and the street. Supporting the requested variance would result in a reduction to street connectivity similar to the current state of the subject property, thus undermining the community vision identified in the OCP (see Figure 4).
- Fence height consistency is critical to realizing the bylaw's intention of connectivity between public and private spaces. Supporting the applicant's requested may result in similarly internal facing developments seeking variances to increase fence height and reduce connectivity with the street.

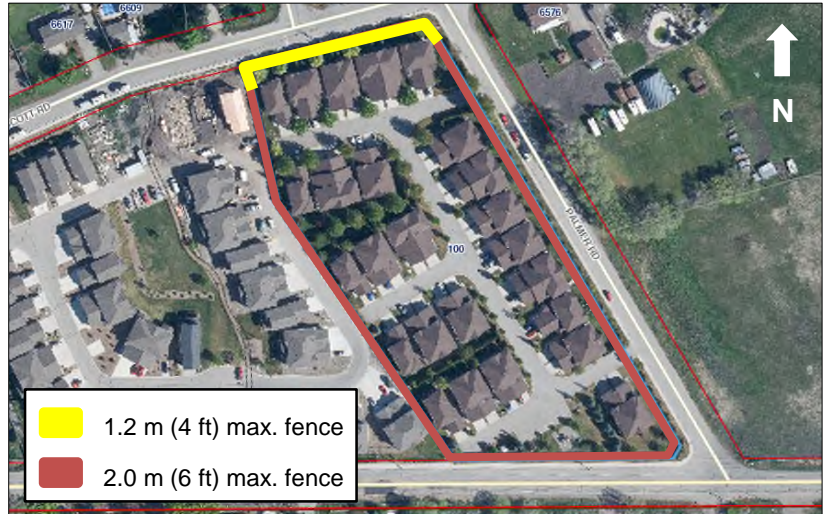


Figure 3 – Zoning Bylaw Requirements



Figure 4 – Subject Property (Left) and Adjacent Strata.

RECOMMENDATION

Staff recommend that the Director, Planning & Community Services not approve Minor Development Variance Permit Application 00568 (DVP00658) to vary Section 6 – Landscape & Screening of Zoning Bylaw 6000 for KAS3218 (100 Palmer Rd) as follows:

- a) Section 6.5.1.1, height of a fence situated along a lot line within a front setback from 1.2 m to 2.0 m.

Permit Issuance

Approved by the Director, Planning & Community Services

Rejected by the Director, Planning & Community Services


 Terry Barton, Director
 Planning & Community Services

Date: NOV 14/24


ATTACHMENTS

- Attachment 1 – Delegated Minor DVP – Issuance Guidelines
- Attachment 2 – Landscape Plan and Proposed Materials

Prepared by:

X 
 Caitlyn Wiltsie
 Environmental Planning Assistant

Approved for submission to Director:

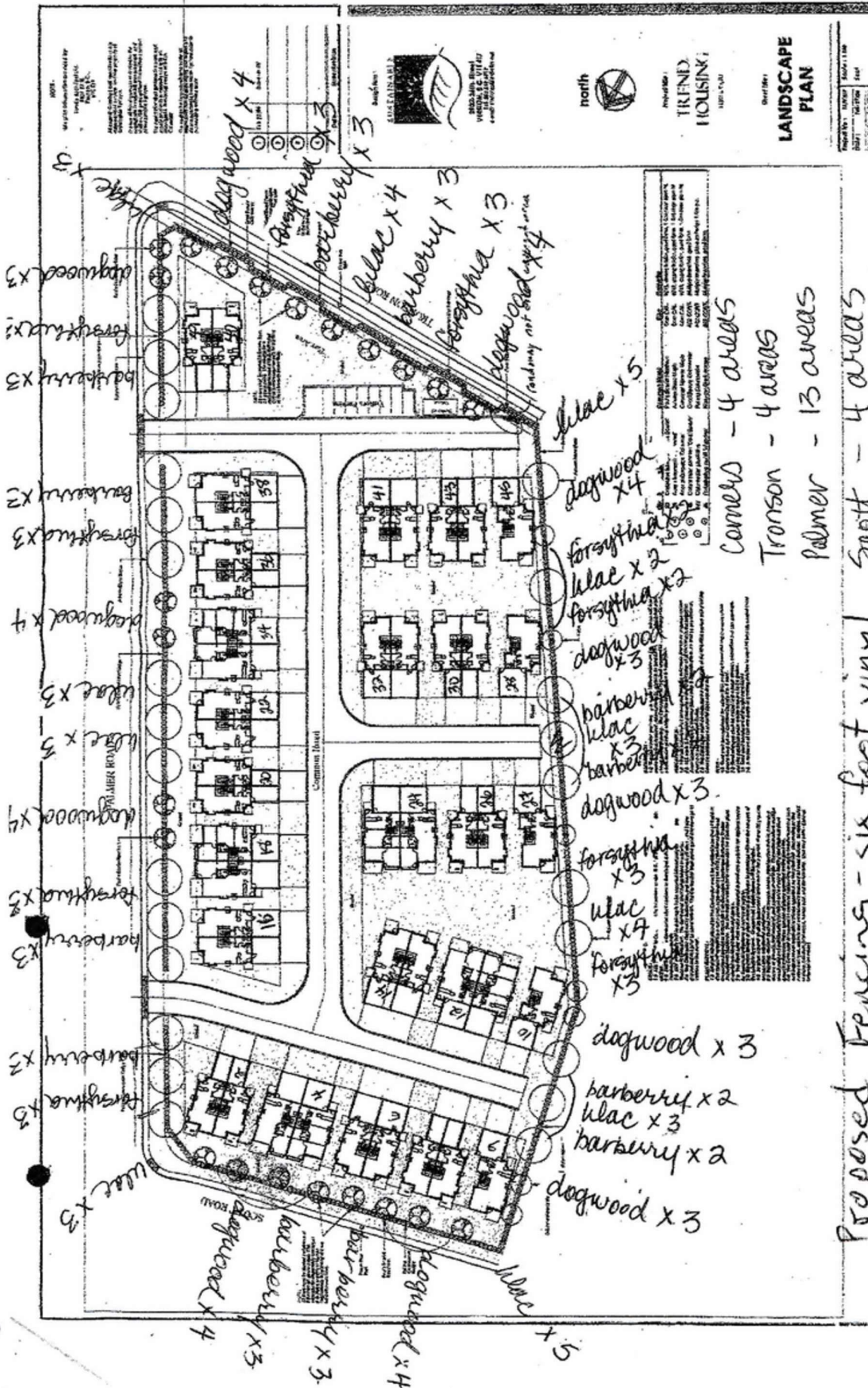

 Lydia Korolchuk, Manager, Current Planning
 Date: Nov. 14/24

SCHEDULE 2

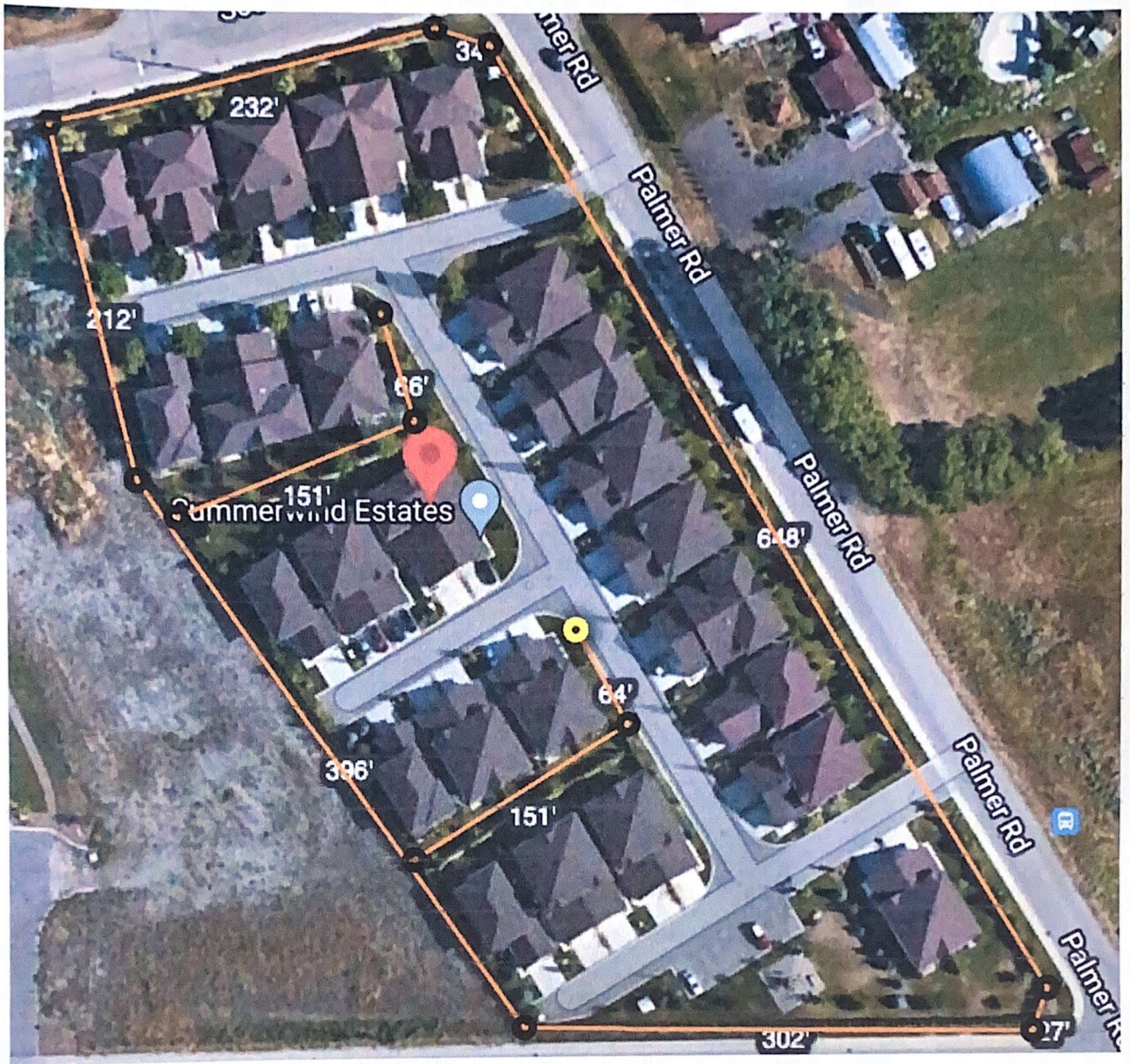
DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT – ISSUANCE GUIDELINES

The guidelines for deciding whether to issue a minor development variance permit are:

1. The applicant shall:
 - Provide a valid reason for not meeting bylaw requirements, with a focus on necessity or hardship rather than convenience, especially for new buildings;
 - Demonstrate that reasonable alternative solutions have been explored and none are viable; and,
 - Identify and incorporate mitigations to address any issues related to the variance.
2. If the delegate deems the information provided to be insufficient for a decision or finds the impacts inadequately mitigated, the delegate may deny the permit.
3. Scope and scale of variances – if the number or significance of variances exceed the delegate's confidence level for making a decision, the delegate may deny the permit.
4. Effects on the natural environment – if the variance would result in unacceptable damage to a riparian assessment area or an environmental management area, as determined through a development permit where required, the delegate may deny the permit.
5. Create a hazardous condition – if the variance would endanger public safety or result in an unacceptable geotechnical or fire hazard, the delegate may deny the permit.
6. Appropriateness of the development – if the variance would result in inappropriate development of the site, the delegate may deny the permit.
7. Intent of the Zoning Bylaw – if the variance would undermine or defeat the intent of the bylaw, the delegate may deny the permit.
8. Public Interest – if the variance is inconsistent with the Official Community Plan or other relevant bylaws, policies or reports, the delegate may deny the permit. (*Bylaw 5981*)



Proposed fencing - six foot vinyl
 fencing to replace cedars around HW/Join - 14
 the complex.



Required fencing

Perimeter 6' Fence ¹	2207' (672.70m)
Privacy Fence ²	344' (104.85m)

¹ Orange line indicates 6' Perimeter fence

² Privacy fences were quoted by most companies as 6' x 8' wide, One company did the quote for 8' x 8' wide