



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 15, 2022  
**REPORT DATE:** August 3, 2022  
**FILE:** 3090-20 (DVP00544)

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7163 APEX DRIVE**

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## **PURPOSE:**

To review Development Variance Permit Application 00544 (DVP00544) to vary Section 5.5.5 of Zoning Bylaw 5000 to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 100 m<sup>2</sup> at 7163 Apex Drive.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application 00544 (DVP00544) to vary Zoning Bylaw 5000 on LT 30, SEC 13, TWP 8, ODYD, PLAN EPP72337 (7163 Apex Drive) as follows:

- a) Section 5.5.5 to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 100 m<sup>2</sup>;

AND FURTHER, that Council's support of DVP00544 is subject to the following:

- a) That the site plan, building elevations and floor plans, intended to illustrate the increased suite size (Attachment 1) in the report titled "Development Variance Permit Application for 7163 Apex Drive" dated August 3, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00544 as Schedule 'A'.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application 00544 (DVP00544) as outlined in the report titled "Development Variance Permit Application for 7163 Apex Drive" to vary Section 5.5.5 of Zoning Bylaw 5000 to increase the maximum size of a secondary suite from 90 m<sup>2</sup> to 100 m<sup>2</sup> on LT 30, SEC 13, TWP 8, ODYD, PLAN EPP72337 (7163 Apex Drive) as presented.

*Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw 5000.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of June 28, 2022, the Advisory Planning Committee passed the following resolution:

*"THAT Council support Development Variance Permit Application 00544 (DVP00544) to vary Zoning Bylaw 5000 on LT 30, SEC 13, TWP 8, ODYD, PLAN EPP72337 (7163 Apex Drive) as follows:*

- a) *Section 5.5.5 to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 100 m<sup>2</sup>;*

AND FURTHER, that Council's support of DVP00544 is subject to the following:

a) That the site plan, building elevations and floor plans, intended to illustrate the increased suite size (Attachment 1) in the report titled "Development Variance Permit Application for 7163 Apex Drive" dated June 21, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00544 as Schedule 'A'."

**B. Rationale:**

1. The subject property is located at 7163 Apex Drive (Figures 1 and 2). The land is designated as Hillside Residential (HRES) within the Official Community Plan (OCP) and is in the R2: Large Lot Residential zone (Attachment 2). The property is approximately 1,073m<sup>2</sup> (0.265 ac) in size. The property is located in a developing single detached residential neighbourhood, fronting onto Apex Drive.
2. The applicant has submitted a request to authorize the installation of a secondary suite that exceeds the maximum allowable size as established in Zoning Bylaw 5000 of 90m<sup>2</sup>.
3. The application proposes to increase the maximum net floor area of a secondary suite from 90m<sup>2</sup> to 100m<sup>2</sup> as identified in Section 5.5.5 of Zoning Bylaw 5000 (Attachment 3) to accommodate the establishment of a secondary suite.
4. The lot is currently undeveloped though the site has been excavated and prepped under Building Permit (BP007712) by the previous owners which was not completed and has expired. The applicant is proposing to construct a single detached dwelling with a secondary suite on the subject property.

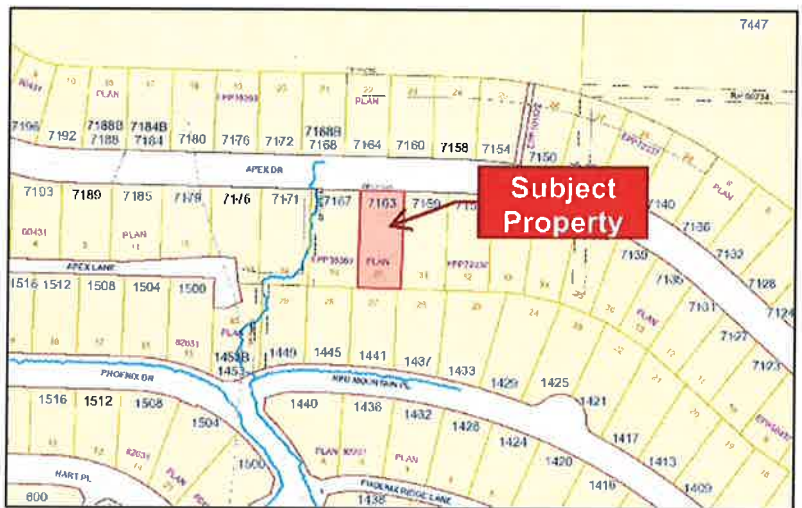


Figure 1 – Property Location Map



Figure 2 – Aerial Map

5. The applicant has submitted drawings (Attachment 1) and a letter of rationale for the proposed increase to the maximum secondary suite size (Attachment 4). The proposed secondary dwelling unit is considered to be infill and is in accordance with the neighbourhood context.
6. Administration supports the requested variances for the following reasons:
  - a) The variance proposed is not expected to generate significant additional negative impacts on neighbouring residential properties;

- b) The variance would allow for the creation of an additional rental dwelling unit on the subject property; and
- c) Secondary suite dwelling units are permitted increase of density in the R2 zone.

**C. Attachments**

- Attachment 1 – Site plan & Building Elevations
- Attachment 2 – R2: Large Lot Residential, Zoning Bylaw 5000
- Attachment 3 – Section 5.5.5, Zoning Bylaw 5000
- Attachment 4 – Rationale Letter provided by applicant

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Create accessible and attainable housing for families with annual income below \$70,000

**E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as HRES Hillside Residential. The property is within the R2: Large Lot Residential zoning district (Attachment 2).
2. The Specific Use Regulations of Zoning Bylaw 5000, Section 5.5.5 regulates the maximum size of secondary suites (Attachment 3).

**BUDGET/RESOURCE IMPLICATIONS:**

N/A


Prepared by:

Approved for submission to Council:

X   
 Matt Faucher  
 Planner, Current Planning

  
 Will Pearce, CAO

Date: 08. AUGUST. 2022

X   
 Kim Flick  
 Director, Community Infrastructure and Development

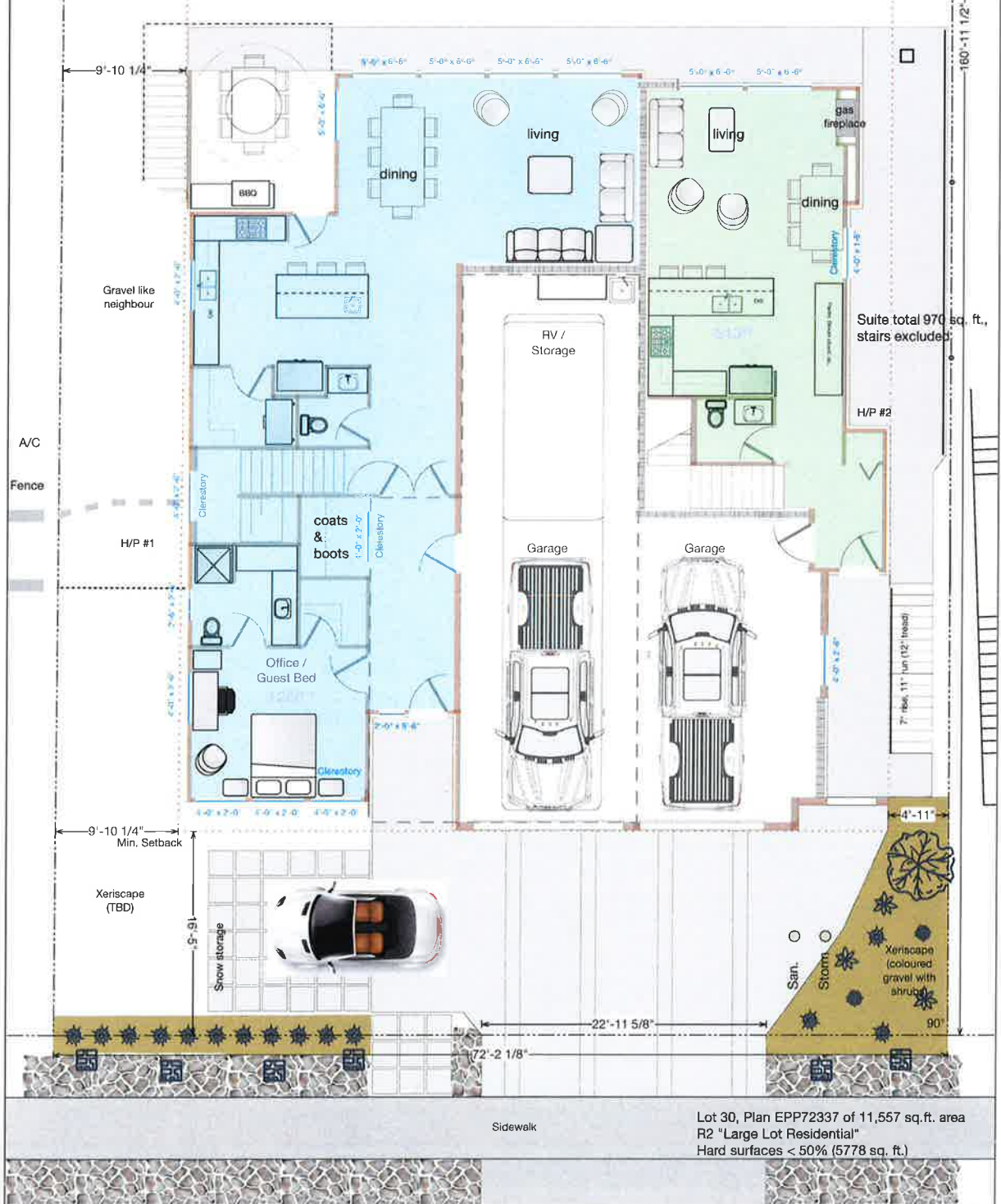
**REVIEWED WITH**

- |  |   |  |
|--|---|--|
| <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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Transportation                       |
| <input type="checkbox"/> Financial Services                    |   | <input checked="" type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jun.28/22) |   |  |
| <input type="checkbox"/> OTHER:                                |   |  |

7163 Apex Dr., Vernon  
 By Don Gibbs  
 Scale 1/8" = 1 foot  
 January 5, 2022

Main floor and site

Must be "rancher" type with daylight basement > 1500 ft<sup>2</sup> finished main floor AND building footprint excluding garages. BCBC 9.10.15.3 and .4 allow 7% window (glazed opening) area in wall > 2.4 m (7.9 ft) and < 3.0 m (9.85 ft) from property line, then 8% to 4.0 m (13.1 ft). Siding must be stone, brick, stucco, cement or steel plank, with > 30% stone / brick facing street. All earthtones, not black/white. Rain water leaders (downpipes) hidden from view or blend into siding and trim. Facias minimum 6" board and 18" soffit overhang. Roof minimum 4:10 pitch, or flat (FD approved). Peak of roof < 6.5 m above centre of curb. Max. exterior wall height 6.5 m (21.3 ft) so no side gables. (Do hip or flat roof.) One shade tree (Redmond Linden) is required in the back yard (not on hillside). Also > 161 ft<sup>2</sup> of private open space for the suite (could be concrete on west side, or lawn on south). Black chain link fencing only (match neighbours). Lawn drains and irrigation system are required. Retaining walls < 1.2 m high with > 1 m offset to next tier.



Lot 30, Plan EPP72337 of 11,557 sq. ft. area  
 R2 "Large Lot Residential"  
 Hard surfaces < 50% (5778 sq. ft.)

7163 Apex Dr., Vernon  
 By Don Gibbs  
 Scale 1/8" = 1 foot  
 January 5, 2022

Basement floor plan



9'-10 1/4" 9'-10 1/4" 9'-8" 61'-4" 56'-8" 72'-2 1/8" 160'-11 1/2" 90°

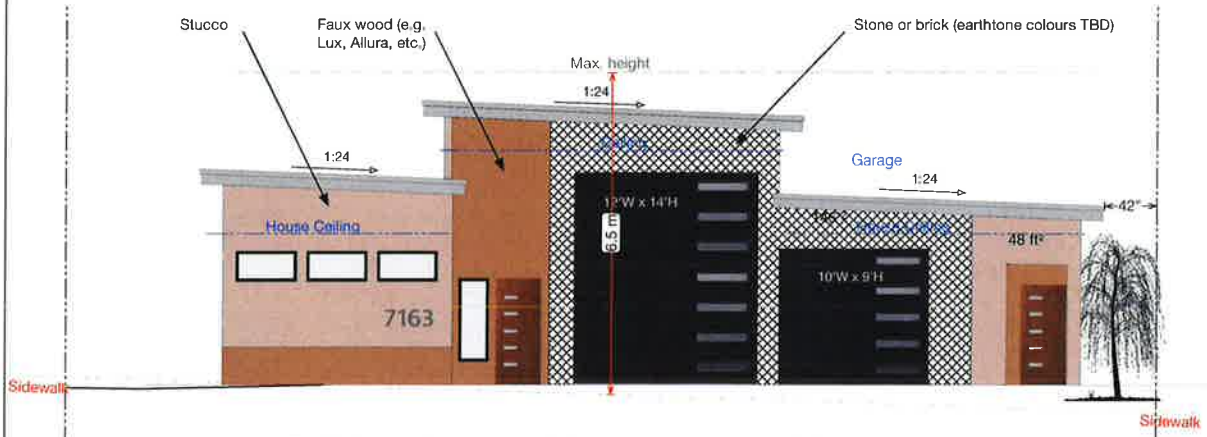
Lot 30, Plan EPP72337 of 11,557 sq. ft. area  
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7163 Apex Dr., Vernon  
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Scale 1/8" = 1 foot  
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Street elevation (north)

### Concept for the street (north) elevation

(finishes TBD by architect)



Foothills Design Guidelines require 30% of total street facing elevation (excluding doors and openings) to be stone or brick. 30% of 484 sq. ft. = 145 sq. ft.



## 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 557m<sup>2</sup>, or 10,000m<sup>2</sup> 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 the lesser of 10.0m or 2.5 **storeys**, 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 the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.3.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.

- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
*(Bylaw 5440)*



5.5.4 A **secondary suite** must have a minimum of 15m<sup>2</sup> of separated and private **open space** in addition to any **open space** provided for the principle dwelling. (Bylaw 5851)

5.5.5 The **net floor area** of any **secondary suite** shall not exceed the lesser of 90m<sup>2</sup> or 45% of the **net floor area** of the **building** containing **single detached housing**. (Bylaw 5851)

Where a **secondary suite** is located in a **secondary building** the following shall apply:

Lot Size	450m <sup>2</sup> - 557m <sup>2</sup>		> 557m <sup>2</sup>	
Lot Orientation	No Lane	Lane or Flanking Street	No Lane	Lane or Flanking street
Maximum footprint	The lesser of 80m <sup>2</sup> or 75% of the <b>net floor area</b> the <b>building</b> containing <b>single detached housing</b> .		The lesser 90m <sup>2</sup> or 75% of the <b>net floor area</b> of the <b>building</b> containing <b>single detached housing</b> .	
Maximum floor area	The <b>net floor area</b> of the upper <b>storey</b> can be no more than 75% of the <b>net floor area</b> of the <b>first storey</b> .		The <b>net floor area</b> of the upper <b>storey</b> can be no more than 75% of the <b>net floor area</b> of the <b>first storey</b> .  The <b>net floor area</b> of a second <b>storey</b> of a suite can be 100% of the <b>net floor area</b> of the <b>first storey</b> if the <b>net floor area</b> of the <b>first storey</b> is less than 45m <sup>2</sup> .	
	The <b>net floor area</b> must be the lesser of 90m <sup>2</sup> or 60% of the <b>net floor area</b> of the <b>building</b> containing <b>single detached housing</b> .			
For the purposes of calculating <b>net floor area</b> for <b>secondary suites</b> contained in <b>secondary buildings</b> , notwithstanding the definition of <b>net floor area</b> , attached garages, <b>carports</b> , and <b>basements</b> shall be included in floor area calculations.				

July 5, 2021

### **Rational for Variance of BP 7712**

Currently BP 7712 was issued September 28, 2020 for Lot 30 at 7163 Apex Drive to Christine Beriault and her husband. However, due to COVID and other issues, construction didn't proceed beyond excavation and site preparation under the guidance of a geotechnical engineer.

Before proceeding further, the owners would like to improve the design of the secondary suite to include a garage and level entry from it into the suite. This entails adding interior stairs to the suite. Also, the Heating, Ventilation and Air Conditioning (HVAC) system would be improved through the installation of its own heat pump and air handling unit (AHU) in a service closet.

Therefore, we request a variance to increase the "maximum 90 square meter floor area" limit of the suite (per Bylaw 5000 5.5.5) to 100 square meters in order to accommodate the interior stairs ( $\approx 7 \text{ m}^2$ ) and AHU closet.

As with most secondary suites in Vernon, the original plans for the suite had the vehicle parked outdoors with exterior stairs that are slippery during the winter. However, our goal is to provide the same safety and quality of living in the suite as in the main part of the house.